

1

1 STATE OF MICHIGAN

2 FIFTY-FIFTH CIRCUIT COURT-FAMILY DIVISION (CLARE COUNTY)

3 In the matter of

4 CRYSTLE DAVIS

File No. 17-069-NA

5 /
6 DISPOSITIONAL HEARING

7 BEFORE THE HONORABLE MARCY A. KLAUS, FAMILY COURT JUDGE

8 Harrison, Michigan - Tuesday, March 20, 2018

9 APPEARANCES:

10 For the Petitioner: MS. EILISIA SCHWARZ (P66350)
11 Chief Assistant Prosecuting Attorney
12 225 West Main Street
13 Harrison, Michigan 48625
989-539-9831

14 Guardian Ad Litem: MS. ANNETTE HOWE (P67491)
15 Post Office Box 3
16 Beaverton, Michigan 48612
989-429-7218

17 For Respondent Father: MR. RAVI GURUMURTHY (P78368)
18 2604 Sunnyside Drive
19 Post Office Box 1014
Cadillac, Michigan 49601
231-577-4822

20
21
22
23 Recorded by Stacy Swan CEO - 8859
24 Transcribed by Josette Given - CER 5277
25 989-539-7109

1 TABLE OF CONTENTS
2

3	<u>WITNESSES: PETITIONER</u>	<u>PAGE</u>	
4	NONE		
5			
6	<u>WITNESSES: GUARDIAN AD LITEM</u>		
7	NONE		
8			
9	<u>WITNESSES: RESPONDENT MOTHER</u>		
10	NONE		
11			
12	<u>WITNESSES: RESPONDENT FATHER</u>		
13	NONE		
14			
15			
16			
17	<u>EXHIBITS</u>	<u>INTRODUCED</u>	<u>ADMITTED</u>
18	NONE		
19			
20			
21			
22			
23			
24			
25			

1 Harrison, Michigan.

2 Thursday, February 22, 2018 - 9:08 a.m.

3 BAILIFF: All rise. Probate and Family Court for
4 the County of Clare is now in session, the Honorable Judge
5 Marcy A. Klaus presiding.

6 THE COURT: Thank you. Have a seat please.

7 Calling the case of in the matter of Crystle Davis. And this
8 is file 17069NA. Would counsel identify please?

9 THE COURT MS. SCHWARZ: Thank you, your Honor. Chief
10 Assistant Prosecuting Attorney, Eilisia Schwarz appearing on
11 behalf of the petitioner. ENTERPRISE

12 THE COURT: Thank you.

13 MS. HOWE: Good morning, your Honor. Annette Howe,
14 Guardian Ad Litem for Crystle Davis. YAVIE TRED

15 THE COURT: Thank you. THE COURT

16 MS. TOMCZYK: Karyn Tomczyk, attorney for
17 respondent mother, who is present and seated to my left.

18 THE COURT: Thank you.

19 MR. GURUMURTHY: Good morning. Thank you, your
20 Honor. Ravi Gurumurthy on behalf of Rodney Davis. He's here
21 in the courtroom and seated to my left.

22 THE COURT: Thank you. And I'll have the parents
23 state their name starting with the father.

24 MR. DAVIS: Oh, if you don't mind -- Rodney Davis,
25 but my phone's in my coat and I'm not sure it's off.]

No

RECORD

THE COURT: Go ahead and get up and make sure it's

off Thank you, Mr. Davis. And I'll have the mother state
her name please?

NOT

MS. DAVIS: Gayle Wendy Davis.

THE COURT: All right. Thank you. And so, the
attorneys know, we're gonna break today for lunch at 11:20 if
you end up going that long. So, I'll be keeping an eye on
the clock, but I wanted to kind of lay out that road map for
everybody. I would anticipate we'll come back probably close
to one o'clock. So, I'll let you know once we get to that
point for our lunch break today. And then we have some
motions on behalf of the respondent father? I'll let Mr.
Davis have a seat. Mr. Davis is it turned off? CANT
RECORD NO PROOF ?

MR. DAVIS: Yes.

THE COURT: All right. Thank you. And so, Mr.
Gurumurthy?

MR. GURUMURTHY: Thank you, your Honor. I had a
couple of motions filed this morning. One was, well I'll
start with the most recent one. It was to strike the
Department of Health and Human Services proposed witness
list. I didn't receive one. It wasn't filed in time. Some
of the witnesses in here, I have no idea who they are and
what they would testify to. I never had an opportunity to
contact them or call them. Some of them are the more obvious
ones. So, I don't know which ones are gonna be called. But

1 there was a scheduling order. The Court was very clear about
2 the scheduling order and calls for sanctions if they weren't
3 followed. So, I don't think they were filed in ~~a~~ -- in an
4 appropriate time frame. In fact, I received this as of
5 Sunday. There's no proof of service saying they sent anything
6 prior to that. So, I would simply ask that they identify who
7 the witnesses are. Some witnesses are the obvious ones. If
8 those are the ones that are being called, I don't have an
9 objection, but there are others that would be testifying --

10 THE COURT: On what date did you receive the
11 petitioner's witness and exhibit list?

12 MR. GURUMURTHY: I received this on Sunday the 18th.

13 THE COURT: And just -- of February, just to be
14 clear.

15 MR. GURUMURTHY: Correct. February. Yes.

16 THE COURT: And have you discussed the witness list
17 in your motion with the petitioner at all?

18 MS. SCHWARZ: No. BARE

19 THE COURT: Did you have that opportunity? All
20 right.) So, Ms. Schwarz? CUT OFF — OR OUT

21 MS. SCHWARZ: Actually, we sent this witness list
22 out prior to, just a second, we sent this witness list out on
23 January 2nd, 2018. And we provided a proof of service to the
24 court that was dated January 2nd, 2018, that it was served on
25 all parties, including respondent father, back in January.
NOT LIE

1 We confirmed that that in fact was done over the weekend and
2 as a courtesy, we resent the witness and exhibit list to
3 respondent father again when they couldn't find their copy.
4 So, they've gotten it twice. Once in January, then the trial
5 was adjourned. The witness list hasn't changed.

6 THE COURT: Do you have an agreement with the
7 attorneys of record for service by email?

8 NO MS. SCHWARZ: Yes. That's a consistent pattern of
9 how we process things. LATE OR (LOST) HIDE

10 THE COURT: Is it a written agreement?

11 MS. SCHWARZ: It is not a written agreement,
12 however that's the way all of, like, I was served the motions
13 that came to me that way. That's just the standard practice
14 as to how we deal with court appointed attorneys. NOT
15 ENTERPRISE

16 THE COURT: All right. Anything else that needs to
17 be known by the Court regarding the motion regarding the
18 witness and exhibit list?

19 MS. SCHWARZ: Other than -- other than we -- we
20 filed it with the court back in January and I believe that LIES
21 the court has that as well as the proof of service. NOT PROOF
22 JUD THE COURT: Who do you intend to call off the
23 witness list?

24 THE COURT MS. SCHWARZ: I have Doctor Barnes, who did the
25 evaluations or the evaluation of Crystle, which led to the
motion that was filed by respondent father for an independent
Q OPINION

TIME TO CONFUSE

evaluation on which is to be heard today. So, that's not a surprise witness. Ruth Nordman is -- is actually not going to be available today, she had some sort of medical emergency. But Ruth Nordman was the individual that respondent father left his children with, so he's known her for a long time. Wendy Davis is his ex-wife. Karla Keipert, she's the RN that Mr. Davis spoke to at the hospital. Bianca Hernandez and Jereme Bear both of those individuals have been consistent throughout this case as the workers that Mr. -- respondent father, Mr. Davis has been dealing with so they're not a surprise or not known to them. And then Katie Most, just one second, I want to get where [she works] just a second

BEFORE ANY ORDER

THE COURT: It says CMH on the witness list.

THIS IS NOT COURT LANGUAGE MS. SCHWARZ: Yep. I didn't know whether -- I have another one. Community Mental Health. And that is another known person throughout this case to Mr. Davis, so. I NEVER SEEN THEM

THE COURT: Those witnesses who you haven't named just now are not being called, is that --? ??

HOW MANY MS. SCHWARZ: They're not. BING CALLED

THE COURT: All right. So, Mr. Gurumurthy, response?

MR. GURUMURTHY: Yes. Thank you, your Honor. Some

of the witnesses -- well, first I'll address the service via email. I will stipulate to that -- that amongst us

IS THIS THE JUDGE

JUMP X ③

NOT PROPER RULE OF THUMB IS A CORPRAL PUNIS
METHOD OF ABUSE

attorney's it is a rule of thumb, a more verbal understanding that sometimes emails do serve as long as the proof of service states, either it was served personally, via email, and/or by first class mail. So, I will acknowledge that I did receive the witness list but not till the 18th of February. It might have been dated, it's unsigned, but it might have been dated January 2nd or whatever the January date is. But it still does not comport with what the pre-trial scheduling order says. Expert witnesses have to be exchanged prior to December 27th. Even if it was January, it was after the fact. And any other witnesses by the petitioner would be the 27th. The burden is not on me to produce or do anything in this matter. It is on the Department. ~~JET DARE~~

So, the rules have to be followed. Court rules call for that and court rules are very clear, if a pre-trial scheduling order is not followed then there's some sanctions. Court has the authority and must follow and enforce those sanctions at that point. As I go through some of these witnesses and as Ms. Schwarz indicated who they are, the majority of them deal with Misty. I think Misty was out and removed from this petition when this first started. So, it has - it has no relevance to Crystle's matter.

So, again, I'm at a loss then as to -- as to why the nurse practitioner who spoke to my client, when it related to Misty's alleged seizure incidents would be that

KANGA JUMP

NOT

NOT

relevant to Crystle's allegations in the petition?

THE COURT: And that may be addressed by one of your next motions as well, correct?

MR. GURUMURTHY: Correct. And then my follow up motion with that would be getting a separate evaluation for Crystle. Doctor Barnes has done one. My client has insurance and has agreed to have a second one done so it would be at his costs. And -- and I think that calls for experts at that point under 702 to then present scientific evidence, (and that's what this is.) So, I would simply ask that Doctor Barnes's testimony, and again, Doctor Barnes's report only alludes to what Crystle has provided, not with any input from the father. He has raised this child for over ten years by himself. There's no other input in there. But

this is how experts go. And this is how -- it's a battle of the experts. I don't have an expert because the Department

has refused to then produce Crystle for another evaluation.

(They've said, we don't think she needs one.) It's not for them to decide whether (she needs one or not.) He's the parent.

His parental rights are not terminated. He has the right to request one. He has the right to get one. He hasn't had that opportunity. So again, Doctor Barnes testifying could sway this court with his expert opinion one way or the other.

There is no rebuttal to that expert opinion and he has a

right to have his own expert then rebut that opinion. And

PROTECT THAT

ENTERPRISE

JUDGE

ALWAYS JUST
ONE WAY / NO OTHER

1 that's all it is, it's expert opinion. So, I can take what
2 the -- what the report states for its face value, but I don't
3 think that Doctor Barnes is then able to then testify if I
4 can't ever rebut that testimony. Which I can't do today.

5 THE COURT: All right. Moving on to that motion
6 then.

7 MS. SCHWARZ: Your Honor, if I -- if I may just to
8 make sure that the record is clear, because there's already
9 been threats of appeals and being, you know, reported to the
10 Bar, or all of the parties, and all of the parties being
11 sued. I would ask that you indulge me to make sure that this
12 record is clear. And by the way, those threats have come
13 from respondent father to the parties in the case. *PUR-SEXY HERNANDA*

14 I would like to note and direct the courts
15 attention to the pre-trial scheduling order.) And that was
16 dated December 13th, 2017 signed by yourself, indicating that
17 the parties shall exchange and file with the court the names
18 and addresses of all witnesses to be called at trial or a
19 hearing by January 10th, 2018. That expert witnesses be
20 disclosed by that same date.) So, I wanted to make sure
21 because respondent father's attorney referenced a different
22 pre-trial order. This is the amended pre-trial order. So, as
23 far as my response and my rebuttal in that motion to strike,
24 I think that not all -- not all of the facts are presented in
25 the argument. *FANS KANGAROO JUMP CONFUSE*

1 THE COURT: All right. As to the independent
2 psychological evaluation of Crystle Davis that's being
3 requested by the father, your response to that motion?
DEMAND

4 MS. SCHWARZ: In response to that, just one moment,
5 your Honor. That motion was delivered to us and that request
6 was delivered to us on February 8th to seek an independent
7 evaluation. It's our opinion that should respondent father
8 need to have an independent evaluation, that could have been

9 IT WAS done long before today's date. We -- if -- if he needs and
10 needs to have the court pay for it that would be something
11 just like he did previously. His need for the appointment of
12 a private investigator and that the court pay for it. That
13 motion came in at the last minute in this particular case,
14 January 11th. This case has been going on for a long period
15 of time and if he needed to investigate anything, he could NOT
16 AFFORD have done that when the initial petition was filed.

17 IT We were already scheduled for a trial in this
18 particular case the beginning of this year. It was adjourned
19 at the request of the respondent father. So, I -- I STUDIES
20 certainly believe that, you know, if the court finds that
21 he's entitled to have that independent evaluation and that
22 the court pay for it or whatever the difference is that his
23 insurance doesn't cover. Because he indicates to us that
24 he's basically indigent. And we've provided the evaluation
25 with a commonly used expert in this court to provide an

YES IT DOES
ALREADY ✓ ALWAYS

ENTERPRISE BARNES
SYK EVAL IS NOT A
OPINION

11 Josette Given

Certified Electronic Recorder

55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

N.Y.T.
LAW

opinion) as it relates to Crystle.

As it relates to Crystle and then the motion to strike allegations as it relates to Misty. The conduct of a parent towards one child is indicative of how they will treat another child. Misty Davis was in fact on this petition initially because the allegations relating to Misty's care were of grave concern to us when she needed to get medical treatment and he refused to do so. That's an allegation in the petition of medical neglect. And it's -- and it's likely that if we use that doctor in the anticipatory neglect or how a parent treats one child is indicative of the response to treatment of another child. I think that that's very relevant information for the court to consider. She's eighteen years of age now but we have Crystle who is still under age and subject to the need for medical treatment and we -- we believe that that's very relevant for the court's consideration as it relates to jurisdiction in this case.

jump

THE COURT: Back to the motion for the independent psychological evaluation -- it's been indicated to the court that the father's asked for Crystle to be produced, for lack of a better word -- DA.

MR. GURUMURTHY: Correct.

YES

THE COURT: -- to the father for that independent
psychological evaluation. } How many times and when was that
request made by the father to the Department?

DEMAND

YES

HE IS CROKEE

JER' BARE
LIRE

PURSERY
m HE SHOULD
BEEN IMPEACHED

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

CRYSTLES

OUT TAKE

1 MR. GURUMURTHY: It's been in -- I think, I
2 received the psychological evaluation sometime in December.
3 So, after my client and I discussed it and when he received
4 it, but I remember I was on vacation during the Christmas
5 break so it had to have been sometime in January. He has --
6 he doesn't need to ask for permission to take his daughter to
7 get a psychological evaluation. The problem is the child is
8 removed from his care. So, the proper way to do it is to not
9 just show up at the foster family's home and pick up his
10 child and leave. That would open another can of worms, so
11 we've talked about he has every right to do that, if that's
12 what he wants to do. There are certain orders that he has to
13 follow.

RAVI

14 Then we had the issue of the parenting time and
15 that was in person suspended, so that put more pressure on
16 him. So, he had to go over the phone. He has talked to, I
17 believe Mr. Bear since I've talked to Mr. Bear. I've RAVI
18 indicated we were asking for another evaluation. We'd like
19 to get it to Ronan and Associates down in Mt. Pleasant. And
20 I'll (inaudible word) motion it up. So then, here we are
21 right before trial, it's on a motion and that's -- that's all
22 he can do.

THIS WAS NOT ✓

23 JUDGE THE COURT: All right. Thank you. Ms. Schwarz. RAVI

24 MS. SCHWARZ: And the -- and the response to that
25 your Honor, we've received no communication from the

→ BARE HAS ALL CONTROL OVER

13

Josette Given

Certified Electronic Recorder

55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

EVERYTHING
LIKE 60%

10X 20X EVERYX

1 respondent and/or his attorney. There has been mention that
2 they may like to do that evaluation, but no formal request
3 has been made. And I will, as an officer of this court
4 indicate that Mr. Gurumurthy indicated that they would be
~~COULD NOT~~ possibly considering doing an independent evaluation, but I
~~SET THIS~~ heard nothing else, other -- other than that. There was no
~~TILL BARE~~ date and time given to us of the date of the evaluation, so
~~BROUGHT CRYING~~ we could make the child available or get the child to the
9 ~~LIKES~~ evaluation. I know personally, as an officer of this court
10 that was not delivered to me as the attorney for Department
11 of Health and Human Services. I've spoken with Bianca, who
12 is the primary worker on this case, because we're pre-
13 adjudication, she has indicated to me that she has not
14 received any date and time request to produce the child and
15 our failure to comply with that. I think that this is a
16 delay tactic. We were threatened with the FBI to investigate
17 for lying in this case. It is -- it is what it is. We
18 haven't had a record. The first formal request we had was
19 ~~THE JUDGE~~ the motion that was set for today, the day of trial. So.
20 ~~JUDGE DAY~~ THE COURT: All right. Thank you. Mr. Gurumurthy,
21 If your motion to strike as well, let me make sure I'm hitting
22 all of your motions here and I'm getting all of them. I
23 think it was touched on by the petitioner or was it the
24 motion in limine that was touched on? PURGERY STOPPED
25

MR. GURUMURTHY: Right. I haven't had a chance to

CONFUSED
EVERYBODY + JUDGE

CERTINLY ROD

14

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 respond to the motion in limine Judge, but I could.

2 THE COURT: Right. And I want to make sure that
3 you have that opportunity. I didn't want to skip over
4 anything. So --. *SHE DIDN'T SKIP, SHE JUMPS*
5 MR. GURUMURTHY: And I am briefly going through my
6 email where --

7 THE COURT: All right.

8 MR. GURUMURTHY: -- if I could see if that request
9 was made. Your Honor, first of all my client did make
10 threats and he has made those threats, but in his defense,
11 he's frustrated with how the Department has dealt with him.
12 That is the reason why he's made -- LIE PURSERY
13 he's made threats to me
14 because I haven't been able to do anything. So again, I don't
15 think --

16 MR. DAVIS: I thought they were my rights. *TO REFOR*,
17 MR. GURUMURTHY: -- and -- and his threats have
18 been more about these are my rights, this is what I want done
19 and I can't get anywhere with it. Part of the reason is he's
20 had -- so to address Misty. When Ms. Schwarz indicates that
21 neglect, medical neglect with one child would be medical
22 neglect to another. There is no pattern to that. It's a
23 one-time incident. This child was seventeen at the time.
24 He's raised both his girls as a single parent for all these
25 years. The mother's missing for ten years. No prior neglect
of any medical or otherwise has ever come up. It comes up

15

WHEN

*BARE SETS /
IN VALUED*

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

MISTY WAS DRUNK, PAST OUT
AT ASHLY HOLTHOME DRYSS

the one time, again, those could be argued and they're severe
allegations. Misty's not deceased. She was not put into a
terrible medical condition because of his neglect. In fact,
he was there at the hospital. And again, he questioned the
nurses and the doctors as to what his rights were and what
was wrong with his child. Simply saying that he just
neglected, is not true. Because he did go to the doctors.
He went with the nurses] That's why they have a nurse
practitioner here to testify. [He was there.] !!!

So, to simply say that he has been neglecting his
kids medical, is a pattern, [that's not true.] It's a one-time
incident that could be clarified. And whatever that incident
is, but Misty's not part of the petition.] Anything -- any
allegations as it relates to Misty cannot be simply comported
and say well, if it happened to Misty, it had to have
happened to Crystle. That's where this is going. That's not
true. If that was the case, all of our NA cases here would
have that implication. Oh, the parents are bonded with one
child but not the other. Or you could use (inaudible words.)
because they're bonded with one, there has to be a bond with
the other. I can think of numerous cases that I'm on that --
that -- that would play, but we know when we look at the
reports and the underlying facts] that's not true. We have
parents who are out of their kids lives for 10 years] because
they didn't know they had a child that was born out of

(1)

1 wedlock or that was their child. But to simply say that they
2 had a relationship with one sibling and didn't know there was
3 another sibling and now they don't have a relationship. But
4 to then tie that into saying, well, there's a bond with the
5 older child, so there's got to be a bond with the other one.

6 It doesn't work that way.

7 So, I think that is absolutely absurd to then
8 simply state here's where it is, neglect to on -- neglect to
9 the other. Medical records could be pulled, could be looked
10 at to see, Crystle's thirteen years of history. She's in
11 school. She's got her -- she up-to-date with shots. She's
12 been to the hospital. So, there is no medical neglect. So, I
13 don't think you can just state the medical neglect of one
14 child, one allegation, and simply say that applies to
15 Crystle. That's absolutely -- you can't go down that rabbit
16 hole. It doesn't work. There are rules. The rules of
17 evidence don't allow that. There has to be -- if there's a
18 pattern and that's where we're going then the pattern has to
19 be established. I don't see anything in any of these
20 documents where this pattern was established.

21 Second, with -- with him getting his child for a
22 psychological evaluation, he has every right to do that. I
23 don't think he needs permission. I could have told my client,
24 go show up, pick your child up at the foster home. I could
25 have very well given him that advice, nobody could have done

RONAN

PURDERY!
THEY CALL
IT NOT
TRUE

17

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

BARE WOULD
HAVE ME ARRESTED
HE HAS HIS WAY
OF LIEING
PURDERY

STATE LAWBARE

1 anything but for the parenting time, in person, was suspended
 2 as a court order and we have to follow that order. But his
 3 rights are not terminated. His -- he has every right to get
 4 his child to get an independent evaluation if that's what he
 5 deems is necessary in this case. But again, that never
 6 occurred. He's asked Mr. Bear, I think about five times.
 7 He's made appointments, he's indicated to Mr. Bear, I have
 8 appointments set up, produce Crystle, do the right thing.

Never.BARE

9 So, here's -- here's where we are now right before
 10 trial in the end. These are motions that have to be heard
 11 prior to trial for the court to then determine whether or not
 12 we can move forward with this or where this matter is going.
 13 You know, in talking to my client, he has indicated he has no
 14 problems making admissions, but he will only admit to what
 15 was wrong. But he hasn't done anything wrong as a single
 16 parent with limited income with what he can provide to his
 17 kids. He's -- he's been treated by the Department, based on
 18 his poverty that just because you don't have enough money to
 19 do all this, you have to make admissions, get the
 20 jurisdiction of the court and then services will be ordered.

21 He's asked Mr. Bear numerous times, I would love to be in
 22 counseling with daughter. I'd love to have family counseling
 23 but a counselor that I want to go to not one you want me to
 24 go to. That's where the breakdown is. He has those rights

BARNES
MEDSNOT IN
ACROSS ENTERPRISE

¹⁸
 Josette Given
 Certified Electronic Recorder
 55th Judicial Circuit Court - Family Division
 17th Judicial District Probate Court
 Harrison, Michigan

STATE
LAWSTATE
LAW

To simply put down what -- what the Department feels is right and use that contracted services that they have and say look, this is where you're going to go, is -- is uncalled for, at least that's my client's position. I would be -- he can pick his own -- own place to go to.

So again, if -- and again, going back to motion in limine, the testimony today, if we're here for Crystle's matter, that's what the adjudication is, not on Misty.

Anything with Misty should not be part of this record.) And if Ms. Hernandez can testify as to allegations that were made between Mr. Davis and his daughter Crystle Davis, we can go forward with Ms. Hernandez's testimony. But I -- I haven't seen anything in the allegations that Ms. Hernandez can testify to as it relates to Crystle.

THE COURT: And -- and I'm gonna stop you there.

Thank you, Mr. Gurumurthy.

AGIN CUT OFF

MR. GURUMURTHY: Thank you.

PURGERY

THE COURT: And, anything further Ms. Schwarz?

Because I -- I think I know what I'm going to do as to all three of the motions.] And then we'll take a short break because my decisions on the motions may help determine how we move forward today as well, okay? NOT NOT NOT

MS. SCHWARZ: Okay.

THE COURT: So, I don't mean to leave you out Ms. Howe. Do you wish to add anything in regards to the motions

1 or are you satisfied with -- with what was placed on the
2 record by the other attorney's? *PURSEY*

3 *NEW ENTERPRISE* MS. HOWE: I'm satisfied with what's placed on the
4 record. However, I would like to add regarding the service
5 ~~received from the Department~~ We were not given a choice to
6 receive them electronically for the proof of service. We
7 were told that's how we're going to receive them, and nothing
8 was signed. *OFFICE*

9 THE COURT: All right. Thank you. Anything Ms.
10 Tomczyk?

11 MS. TOMCZYK: We take no position, your Honor.

12 *ON DAY* THE COURT: All right. Thank you. So, let's go
13 *OF TRIAL* through each one of these motions in turn here.

14 *JUDGE* So, I'm going to go through them in the order that
15 I have them in my files. So, I apologize. Regarding the
16 respondent's -- respondent father's motion in limine, the
17 Court has reviewed the motion that was filed and taking into
18 consideration the arguments presented by Mr. Gurumurthy and
19 the response by Ms. Schwarz. I appreciate both of the
20 attorney's for both the presentation of the motion as well as
21 the response. I think both were well thought out. And I
22 appreciate that very much. But as to the motion in limine,
23 the Court would strike testimony regarding Misty Davis. The
24 anticipatory neglect doctrine is well established, and the
25 Court certainly could hear argument regarding anticipatory

JUDGE → SHE IS OBVIOUSLY

20

NOT AWAKE

NOT AWAKE

1 neglect that's hard for me to say at this time in the
2 morning, I certainly could hear that and would under
3 different circumstances. Only because Misty was stricken
4 from the petition and the Court is persuaded by Mr.
5 Gurumurthy's -- his presentation of the motion that there
6 was not a pattern of medical neglect as to Misty. Misty was
7 moved back into the home, resides with the father. So, I'm --
8 I'm only looking very narrowly at the circumstances in this
9 case. So, I'm saying that, so the attorneys know that this
10 would not necessarily apply to other cases that would be
11 presented to the court. But in this particular case, I would
12 not hear testimony regarding Misty Davis as to medical care
13 and possible medical neglect. I make no decision regarding
14 whether there was or was not medical neglect as to Misty.
15 So, is that clear to everyone? NO

16 MS. SCHWARZ: I guess maybe, just a point of
17 clarification. So, we can't talk about Misty at all today if
18 we go forward? → SHE EVEN CONFUSED

19 THE COURT: You can talk about Misty but not as to
20 medical neglect. ←

21 MS. SCHWARZ: Okay. → ENTERPRISE
22 JUDGE THE COURT: Not -- not in that very narrow area.

23 MS. SCHWARZ: Okay.
24 JUD THE COURT: So, turning to the respondent father's
25 motion to seek independent psychological evaluation and seek

PROTECT THE
ENTER
PRISE

FOR CRY

21

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

STATE LAWDHS

1 a second opinion of psychological evaluation. The Court is
 2 going to deny that request as untimely. And the Court finds
 3 that having that rebuttal testimony would not be helpful to
 the Court as to the adjudication trial. And the Court would
 5 rely on Doctor Ronan's assessment of the father and Doctor
 Barnes's assessment of the child.

IT WOULD
BE BAD
10X
IS THIS
THE JUDGE
DR RAU

Turning lastly to the respondent father's motion to
 8 strike the Department of Health and Human Services proposed
 9 witness list. This troubles me that everything's being done
 10 by email and there's no written agreement because the court
 11 rules, I believe, specify that if you're gonna do this
 12 electronically, you have to have a written agreement as
 13 between all the parties, that you're all agreeing to receive
 14 this stuff by email because it gets lost. It gets lost very,
 15 very easily. So, I am not on board with this idea of being
 16 paperless in these types of cases. It's too dangerous. And
 17 so, if the parties are going to continue with emailing and
 18 using electronic communication, you better have a written
 19 agreement and it better be in my file. That way everybody's
 20 on board. We all know exactly what you're doing, and I know
 21 what to expect as well. HIDDEN EVIDENCE
PURGERY

22 Now all of that being said, there is a proof of
 23 service in the Court's file. The Court reviewed the last pre-
 24 trial order, I think that was a December pre-trial order,
 25 I'll look back, December 13th, 2017 that allowed for exchange

JURY ✓

1 of witnesses and exhibits for the father's bench trial to be
2 done by January 10th, 2018. So, frankly I believe both Mr.

E MAIL → 3 Gurumurthy and Ms. Schwarz. I think it was emailed out and I
4 don't think Mr. Gurumurthy got it till just a couple days
5 ago. And that's the danger of using email. Things get lost
6 far too easily rather than a physical piece of paper. ON PAPER
HIDE →

7 So, I'm going to allow the witnesses as named by
8 Ms. Schwarz to be presented to the Court to allow that
9 testimony. And I think they'll be helpful to the Court. They

ENTER 10 PRIZE →
11 →
12 →
13 →
14 →
15 →
16 →
WE GET 17 NOTHING →
18 →
19 →
20 →
21 →
22 →
23 →
24 →
25 →

Any other requests for relief, let me put my
glasses on here, specifically as to the motion in limine,
would be denied. I think I may have missed a couple finer
points. There's a request regarding possible statements of
the child to be made. And a concern about hearsay, and the
Court would simply address that as it comes up in testimony.
I simply don't have enough information to make that
determination. Since the rules of evidence would apply
during adjudication, then statements of the child would be
excluded as hearsay.

NO ASIN COURT SET EVERYTHING

So, we'll take a short, about a five-minute break.

— HOW CAN YOU
TAKE A BRAKE
IN 5 MIN

23

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

ROD NEVER
COULD
CONFIDENTIAL
WITH RAVI

1 So, if anyone needs to use the restroom or get a drink of
water, do it now. Come back in and we'll get started. If my
2 decisions regarding those motions are helpful, then let the
3 court know if you need additional time. THEY GET EVERYTHING
4 WITH RAVI

5 MS. SCHWARZ: Okay.

6 NOT THE COURT: If not, we'll just keep going. Okay?

7 And then like I said, we'll take a break just before 11:30.

8 All right.

WHAT ←

9 MS. SCHWARZ: Thank you.

10 BAILIFF: All rise.

11 (At 9:39 a.m., matter is recessed.)

14 MIN

12 (At 9:53 a.m., matter is reconvened.)

13 BAILIFF: All rise. Probate and Family Court for
14 the County of Clare is now in session, the Honorable Marcy A.
15 Klaus presiding.

16 THE COURT: Thank you. Have a seat please.

17 MR. DAVIS: Ravi? Ravi?

18 THE COURT: Mr. Davis, go ahead and have a seat
19 please.

20 MR. GURUMURTHY: Have a seat please.

21 THE COURT: So, we are back on the record in the
22 matter of Crystle Davis, file 17069NA. And the record will
23 reflect that all counsel are present as are both the mother
24 and the father. And we took a short break. It was a little
25 longer than I had anticipated. And are we ready to go

14 MIN
WAIT FOR DR. A.
ADMISSIONS
7 MIN

24

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 forward?

2 → MS. SCHWARZ: Actually, your Honor, we need a
3 little bit more time.] The respondent father's counsel
4 presented to us that if we put together some admissions, that
5 -- that they would consider those. As they indicated when
6 they argued the motion, is they would be willing to make
7 admissions but, so the five minutes that I had to talk with
8 my client about your rulings and the ramifications relating
9 to that. We just need a little bit more time to put together
10 some proposals. And maybe would resolve this case.

11 THE COURT: All right. Thank you. Mr. Gurumurthy,
12 is that true? ↙ 7 DAYS NOT 5 MIN

13 MR. GURUMURTHY: That is correct your Honor.

14 Again after the Court's ruling with what we have in the
15 allegations, my client indicates most of them again, as it
16 relates to Crystle are untrue. So, maybe we can decipher what
17 those are, and we could maybe in the next five minutes, seven
18 minutes have something that -- he's already done the psych
19 eval, we've already presented that. So, I think the
20 Department knows where this is probably going to go. It might
21 give them an opportunity to put something together that my
22 client can review and say, okay, this makes sense, or it
23 doesn't, I don't know. ↘ NOT ? JUDGE

24 THE COURT: All right. So, Mr. Davis I'm not going
25 to waste today. I have time guidelines that I have to follow

= 1 OR

25

OVER 182 DAYS

7-DAYS OR

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

NOT 7 DAY
TODAY → NOT ↴

so, we're going to have either a trial or admissions today.

One or the other. So, it sounds like everyone's talking now, which is a good thing. Maybe we can get this moving forward so that if there are admissions, reunification is the goal. CON CON

So, we can start this down the road and get you and your daughter into some productive services and get you guys back together. So, that's if there are admissions. If we go through a trial, that's fine too. I don't know what the outcome of a trial would be. But I don't want to waste today and I know the attorneys are ready to go and they probably don't want to waste their time either. So, I will give until

7 MIN
10:30 --

MS. SCHWARZ: Thank you.

FOR WHAT

THE COURT: -- that should be ample time given what you've told me. And if you're ready earlier than that's fine, just let me know.

7 MIN

MS. SCHWARZ: We'll let you -- OUTTAKE

DA. THE COURT: And then if there's no resolution, if you -- Mr. Davis, I want you and Mr. Gurumurthy to hear this, so you know. If there's no resolution by 10:30, then we're gonna go. Okay? So --. OUTTAKE

F PRESSER NOT 7 DAY

MR. GURUMURTHY: Correct. Your Honor, my client has a question for the Court. I've explained to him what admissions are, he'd like to hear it from the Court --

THE COURT: Okay. NO NOT OK

HE
SAID THIS
WOULD NOT
HAPPEN

WAS SENT FOUND GUILTY OF AN
BY CLARE CO COURT

1 MR. GURUMURTHY: -- because his position with how
2 this whole matter has transpired is, he does not trust
3 attorney's. So -- CUT OFF AGAIN
4 PROSECUTOR THE COURT: All right. NOT ALRIGHT

5 MR. GURUMURTHY: -- if the Court would be kind
6 enough to explain to him, if he were to make admissions, what
7 those admissions are. It's not a guilty plea. It's not a
8 not guilty verdict. He's not being charged with child abuse.

9 LIE I've told him that, but I think he needs to hear it from the
10 bench. JUDGE

11 D.A. SWART THE COURT: Okay. So, is that what you need to
12 know, Mr. Davis? You're wondering what admissions -- what
13 that means in this court?

14 MR. DAVIS: Pretty much pertaining to the actual
15 documents that hadn't been already proved as -- CUT OFF

16 THE COURT: NOT Well let me -- let me -- AGAIN

17 THEY STOPED MR. DAVIS: -- manufactured -- CUT TAKE

18 M THE COURT: -- tell you this. I want to tell you
19 what admissions mean in this courtroom. 'Cuz we're different.

20 This is a different courtroom.

21 MR. DAVIS: I'm seeing this. KANGAROO

22 THE COURT: It is. This is not a criminal case.

23 There's nothing to do with a criminal case in here. This is
24 LIE just a civil case. And this is Family Court. So, when any
25 parent comes into this court under these types of LIES

STILL
DON'T
UNDER
STAND
THIS
KEEP
CUTTING
ME OFF

LIE
PURSES

circumstances where we have a petition that's been filed, and allegations made. If a parent chooses to come in to this courtroom and make admissions, they admit to some or all of the allegations in the petition. So, they -- they would go through the petition and they say admit to certain portions of the allegations in the petition. And when you make those admission, it's not guilt. It's not guilty, not guilty, it's admitting. So, it's admitting to some facts. So, establish some facts so that I have something to go forward with.

When I say go forward, this Court is all based on reunification of the family, getting the family back together and offering any services, so any therapy or any counseling, or any help that a family needs in order to stabilize the family and get things back on track for the family. So, that's the whole goal here. The whole goal is to get the family back together but get it back together in a healthy, really good way. Okay? So, that's kind of a -- that a -- kind of a basic way to put it but I think it's understandable when I say it that way.

DISTRUST MR. DAVIS: It's kind of vague in my eyes is because the one of the things I would admit to, it's not on this petition, is our family suffers from poverty. ONLY

NOT ALL RIGHT THE COURT: All right. Well, listen, that's one of the services that can be offered, is to help alleviate some of the hardships that come with poverty. So, that's -- that's

NEUER OFFER

28

*Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan*

one of the services that can be offered is help in that area.

HERE But I can't -- I can't do anything. The Judge, or the court
COME ~~JUDGE~~ in these circumstances, anywhere in the state of Michigan, we
THE can't do anything until we have what's called jurisdiction.
CON ~~OUT TAKE~~ And jurisdiction only comes -- I only have the power to help
if there are admissions or if I go through a trial and I find
that it's appropriate that I take what is called jurisdiction
or I take -- they use the word ~~ENTERPRISE~~ power. But I take power or
control over a family and help that family. And then I can
order everybody to do things. I can order the Department to
help you. I can order you to go to things to help you. I
can order your daughter to go to therapy to help her. I can
order both of you to go to therapy and counseling to help out
your family. But until I -- I go through either a trial
process or I go through an admissions process with a parent,
I can't do anything. I'm just here to listen until that
happens. Until there are admissions or until I have a trial
and I find that it's appropriate that I take control over a
case.

MR. DAVIS: I understand that.

THE COURT: I take jurisdiction. (Okay?)

22 → MR. DAVIS: The part that I'm not having an easy
23 time understanding is -- it actually becomes financial is
24 because to abide in all these demands, is that I could not
25 make admissions to that I can abide in them because

~~STOP
MY
APMIS3
DENIAL~~

THIS IS WITH NEVER AGREED

financially this is what started this whole thing to begin with. Because I tried to get this done on my own.

THE COURT: Well, I'm gonna stop you there Mr.

Davis. Mr. Davis, I'm gonna stop you because I don't want you to say something that you -- I don't want you to create your own problem here, okay? So, I'm trying to be respectful ~~NOT~~ ~~SON~~ of what you want to tell me ~~but~~ I gotta stop you at the same time so that I protect your legal rights, just like your attorney is doing. ~~TRY TO DO NOT HER JOB NEVER CARE ABOUT RIGHTS~~

MR. DAVIS: Pretty sure by now, you've already

understood anyways. OH HOW I UNDERSTAND SAR ENTERPRISE

THE COURT: And so, when / when a parent comes to this court, we go through the admissions process or we go through a trial and I take jurisdiction, so I take some ~~LIES DENIDE NO I NO WIT NO SOR~~ control and power over the family to order them to do things.

Then when I order you to do certain services, then at the same time, the Department usually voluntarily, but if they don't do it voluntarily, then I can order them to provide gas cards, telephones. I can order them to provide some financial help. You can shake your head and put your head down -- NO NO NO

MR. DAVIS: Oh no. I'm sorry. I'm sorry.

YOU ARE THE COURT: -- but we're all limited here. Okay. I don't have a pile of money that I reach into and I give to you. All I have are the services that the State of Michigan

DO TO

30

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

YOU PUT LIMIT ON EVERYTHING LIMIT RAUI LIMIT TIME LIMIT TO ENTERPRISE

STATE OF MI RIGHTS HAVE BEEN TAKEN!

**OUT
TAKE**

1 offers and that's all the Department has as well. So, if
 2 it's a -- if it's -- we can't tackle these things until we
 3 get there either. So, you can anticipate I'm gonna fail, I'm
 4 gonna fail, I'm gonna fail. We don't know that. You may be
 5 very, very successful and you don't even know it yet. So, we
 6 can't cross that bridge until we come to it. So, each

7 family's different and each family has different issues and
 8 problems that we try to solve. Okay? SAME FORMAT FOR
 9 WHO SAID THIS MR. DAVIS: My -- my one issue that I think would
 10 really help everyone in this case was just shortly before

11 this had happened because of the bus stop issue. Was I was
 12 going to petition the courts and I'm not sure if I would have
 13 been in the correct court here, was to petition the court so
 14 that Crystle could have mental evaluations done and that she
 15 could be evaluated as needing a # a supplementary income as
 16 did her mother for many years still. 551

17 THE COURT: All right. Well, those are -- those
 18 are answers that we can give you through these types of
 19 cases. So, I'm just talking real general terms. But often
 20 times, those are things that we discover in these cases that
 21 no one would have known but for the case happening. So,
 22 you're of I think part of the issue is if we were traveling
 23 down a road, I'm still at the stop sign and you're about five
 24 miles ahead of me. So, I've got to get you back to the stop
 25 sign so we can start at the same place and move forward. And

13 YRS
V 13 MIN

31

CHECK WITH
ENTERPRISE FIRST

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 that -- in all these types of family law cases, where we have
2 protective proceedings, if we do it all together at the same
3 time, we can be successful, but if we're -- if we're lurching
4 around and not working together it falls apart. *PURSELY*

5 *NO TIME* MR. DAVIS: It's just these admissions are scary.
6 *NOT ENOUGH* MR. GURUMURTHY: *No*, I heard that before.

7 THE COURT: So, I'm gonna stop here because I'm
8 *eating up your time* and I don't want to do that. So, you got
9 about 27 more minutes to go. Court's in recess. *TIME FOR*

10 *NO TIME* MR. GURUMURTHY: Thank you, your Honor.
11 *FOR* BAILIFF: All rise. *WHY THANK HER* *PLAY*

12 *JUSTIS* (At 10:02 a.m., matter is recessed.) *28 MIN*

13 (At 10:30 a.m., matter is reconvened.)

14 BAILIFF: All rise. Probate and Family Court for
15 the County of Clare is now in session, the Honorable Judge
16 *Marcy A. Klaus presiding.*

17 THE COURT: Thank you. Have a seat please. So, it
18 is 10:30 and I'm going back on the record in the matter of
19 Crystle Davis, file 17069NA. And we are missing the
20 petitioner and her attorney. Mr. Gurumurthy, did you have the
21 opportunity to look at some proposed admissions for your
22 client.

23 MR. GURUMURTHY: I was just handed them as I was
24 walking inside the courtroom. I haven't had a chance to
25 review them with my client or thoroughly review them myself.

BUMS RUSH

32

JUST DO IT

1 THE COURT: All right.

2 MR. GURUMURTHY: But I do have them here. I do
3 have a PATP that's dated 11-7-2017. We can argue that on the
4 record after admissions were made, but -- OUT TAKE

5 THE COURT: Okay.

6 MR. GURUMURTHY: -- I do have them in my hand right
7 now. PROSACOTER

8 PROS THE COURT: All right. So, if you want to use our
9 conference room for about five minutes, we'll see if we can
10 find the Prosecutor and get things rolling here.

11 MR. GURUMURTHY: Okay.

12 COULD NOT
13 HEAR SINES

14 BPH/07 THE COURT: Okay?

15 MR. GURUMURTHY: Thank you.

16 THE COURT: So, it's interesting it happens right
17 at 10:30 when I said that's when we'd go back on record that
18 they're handed to you so. All right. Thank you. NOT DAYS

19 MR. GURUMURTHY: Thank you.

20 THE COURT: I'm gonna remain here. We'll go off
21 the record?

22 (At 10:32 a.m., matter is recessed.) 13 MIN

23 (At 10:45 a.m., matter is reconvened.)

24 THE COURT: All right. We'll go back on the record
25 in the matter of Crystle Davis, file 16019NA, and I think
that should be 17 actually, 069NA. And the record will
reflect that all counsel are present as are both the mother

WHY WOULD HE SAY THIS!! YOU HE IS
WORKING FOR THE PROSECUTOR & JUDGE

1 and the father in this case. And the Court's taken a couple
2 of breaks here. And Mr. Gurumurthy, is your client ready to
3 go forward?

4 MR. GURUMURTHY: Your Honor, after discussing with
5 my client the proposed admissions that were handed to us this

6 morning, my client is willing to go forward. He would like to
7 explain all the admissions. There are certain changes that
8 I've made, but given we're delayed, I will just read them
9 very slowly on the record. I think there is still enough for
10 the Court to take jurisdiction and we can go forward with
11 those admissions. CON ENTERPRISE / MY LAWYER

12 NOT One of the other things that I was just handed, is

13 and I asked all the parties if there was an inquiry made
14 about whether this family had any Indian heritage. There has
15 been an inquiry made but nothing has been received. My
16 client has a letter saying he is part of a tribe. He can
17 explain that. So, look at this is not a removal, so I don't

18 think the tribe is going to be involved with any of those
19 proceedings, but I can make copies of these. I haven't
20 totally reviewed them but there is something from the

21 Michigan Indian Legal Services in Traverse City that
22 indicates that he has also indicated that there is Indian
23 heritage.

CUT OFF ↓

24 THE COURT: All right. Thank you. So, we'll just
25 kind of go slowly through this -- JUST IGNORED

4 HR → NOT INTERED IT

34

Josette Given

Certified Electronic Recorder

55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

⑤ MIN OF ADVICE
RAVI CIVIL TRIAL

NOTHING SLOW ABOUT IT
HURRY WE ARE RUNNING OUT OF TIME

1 MR. GURUMURTHY: Correct.

2 THE COURT: -- so that I can keep up with
3 everything as well as Mr. Davis, okay?

4 MR. GURUMURTHY: And Mr. Davis would like to
5 explain each and every one of them.

6 THE COURT: Okay. So, Mr. Davis do you have gum in
7 your mouth?

8 MR. DAVIS: I'm sorry. But my breath was so bad I
9 couldn't even swallow.

10 THE COURT: All right. So, we're recording this, so
11 → you make your admissions, I'm gonna ask that you remove your
12 gum. ME →
13 DISTRACT
14 MR. DAVIS: Sure.

15 THE COURT: And so that we have a nice clear
16 recording and I think Ms. Howe has just given you a cough
17 drop, so if you need that when you're done, you can certainly
18 use that cough drop. WHY WOULD I NEED
19 IT THEN!

20 MR. DAVIS: It's just the dryness from sinuses
21 dripping.

22 THE COURT: Okay. So, if you'll just remove the gum
23 that'll make it then we'll make sure your voice is nice and
24 clear on the recording.

25 MR. DAVIS: Wish I could have chewed it for five
more minutes.

THE COURT: Sorry. NOT

I DID NOT WANT TO DO THIS

FEAR FEAR I COULD TASTE FEAR CON

35

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 → MR. DAVIS: I was doing it not to embarrass myself
2 with these people so close to me.

3 THE COURT: We are ruled by the Court, or by the
4 clock. The Court's ruled by the clock I should say. So, Mr.
5 Davis I want to go through what -- what we're doing here. So,
6 you're going to be placing some admissions on the record,
7 correct? DON'T WANT TO SOME

8 MR. DAVIS: Yes.

9 THE COURT: And Mr. Davis, [you understand] that by
10 going forward with admissions, you're giving up your right to
have a trial. So, we will not have a trial in this case, do
11 you understand that? → I NEVER GIVE UP MY RIGHTS

12 MR. DAVIS: I do in a sense. I mean, because my
13 family does need the medical help. ONLY-CHASSE
14 DAUGHTER THE COURT: I'm gonna stop you there. Do you CONNE
15 EX understand that we won't have a trial if we go forward with
16 admissions today? Just that simple question. NOT THAT SIMPLE

17 MR. DAVIS: I've not even been given a choice yet
18 to determine yet. ← PRESSER HURRY HURRY

19 HURRY THE COURT: You have Mr. Davis. You've been given
20 7 MIN that choice multiple times and that's why I've delayed the
21 matter for almost two hours this morning. Because I was
22 ready to go at nine o'clock for a trial. But there are
CON → HURRY WENT HOME AND indications that admissions may be appropriate in this case
23 after NOT ← I made some rulings. And you've had plenty of time at

AFTER →

JUDGE DID NOT
WANT TRIAL
DID NOT HAVE 55th Judicial Circuit Court - Family Division
SOP FOR WITNESSES 17th Judicial District Probate Court
Harrison, Michigan

1 7 MIN
I WANT TRIAL
FOR A YEAR

1 NO I DID NOT STILL MAD ABOUT
2 NOT this point to consider those, discuss them with your LITIGANT
3 attorney. Just in regards to -- are we having admissions or
4 7 MIN ACTUAL 5 MIN
5 are we having a trial? You represented to me that we're
6 CONVED
7 having admissions today. So, that's what we're going to do
8 next. Do you understand that? That you'll be making
9 CONN ME DID NOT MADE TO DID NOT
10 admissions?
11 TELLING NO MORE TIME
12 MR. DAVIS: I understand the procedure, I wish that
13 I had had more time to think about it.
14 THE COURT: Okay. That's all I'm -- that's all I'm
15 asking you. If you understand procedurally that we'll be
16 CONVED
17 making -- you'll be making admissions --
18 MR. DAVIS: Yes.

19 THE COURT: -- and not having a trial. Do you
20 understand that just procedurally? NOT TODAY

21 MR. DAVIS: I don't want to admit to anything I
22 didn't do. There are a couple things on there -- OF CUT OFF
23 THE COURT: Mr. Davis, do you understand that you
24 will not have a trial if you made admissions? Yes or no?
25 MR. GURUMURTHY: You're not admitting to anything
you didn't do. These are what we went over. NO WE DID NOT RUDELY
MR. DAVIS: All right. I'll -- I'll admit to the
things that are ON here. CONVED BURNS RUS

26 THE COURT: Okay. I'll stop you there. It's a
27 simple question. You're overcomplicating this and you're
28 getting yourself all wound up by making it more complicated.

29 NO THE COURT VERRY COMPLICATED
30 SEE I DID 1 WAS TERRIFIED CON
31 NOT UNDER STAND ³⁷ TERRIFIED CON
32 Josette Given
33 Certified Electronic Recorder
34 55th Judicial Circuit Court - Family Division
35 17th Judicial District Probate Court
36 Harrison, Michigan
37 CON
38 CON
39 CON
40 CON
41 CON
42 CON
43 CON
44 CON
45 CON
46 CON
47 CON
48 CON
49 CON
50 CON
51 CON
52 CON
53 CON
54 CON
55 CON
56 CON
57 CON
58 CON
59 CON
60 CON
61 CON
62 CON
63 CON
64 CON
65 CON
66 CON
67 CON
68 CON
69 CON
70 CON
71 CON
72 CON
73 CON
74 CON
75 CON
76 CON
77 CON
78 CON
79 CON
80 CON
81 CON
82 CON
83 CON
84 CON
85 CON
86 CON
87 CON
88 CON
89 CON
90 CON
91 CON
92 CON
93 CON
94 CON
95 CON
96 CON
97 CON
98 CON
99 CON
100 CON
101 CON
102 CON
103 CON
104 CON
105 CON
106 CON
107 CON
108 CON
109 CON
110 CON
111 CON
112 CON
113 CON
114 CON
115 CON
116 CON
117 CON
118 CON
119 CON
120 CON
121 CON
122 CON
123 CON
124 CON
125 CON
126 CON
127 CON
128 CON
129 CON
130 CON
131 CON
132 CON
133 CON
134 CON
135 CON
136 CON
137 CON
138 CON
139 CON
140 CON
141 CON
142 CON
143 CON
144 CON
145 CON
146 CON
147 CON
148 CON
149 CON
150 CON
151 CON
152 CON
153 CON
154 CON
155 CON
156 CON
157 CON
158 CON
159 CON
160 CON
161 CON
162 CON
163 CON
164 CON
165 CON
166 CON
167 CON
168 CON
169 CON
170 CON
171 CON
172 CON
173 CON
174 CON
175 CON
176 CON
177 CON
178 CON
179 CON
180 CON
181 CON
182 CON
183 CON
184 CON
185 CON
186 CON
187 CON
188 CON
189 CON
190 CON
191 CON
192 CON
193 CON
194 CON
195 CON
196 CON
197 CON
198 CON
199 CON
200 CON
201 CON
202 CON
203 CON
204 CON
205 CON
206 CON
207 CON
208 CON
209 CON
210 CON
211 CON
212 CON
213 CON
214 CON
215 CON
216 CON
217 CON
218 CON
219 CON
220 CON
221 CON
222 CON
223 CON
224 CON
225 CON
226 CON
227 CON
228 CON
229 CON
230 CON
231 CON
232 CON
233 CON
234 CON
235 CON
236 CON
237 CON
238 CON
239 CON
240 CON
241 CON
242 CON
243 CON
244 CON
245 CON
246 CON
247 CON
248 CON
249 CON
250 CON
251 CON
252 CON
253 CON
254 CON
255 CON
256 CON
257 CON
258 CON
259 CON
260 CON
261 CON
262 CON
263 CON
264 CON
265 CON
266 CON
267 CON
268 CON
269 CON
270 CON
271 CON
272 CON
273 CON
274 CON
275 CON
276 CON
277 CON
278 CON
279 CON
280 CON
281 CON
282 CON
283 CON
284 CON
285 CON
286 CON
287 CON
288 CON
289 CON
290 CON
291 CON
292 CON
293 CON
294 CON
295 CON
296 CON
297 CON
298 CON
299 CON
300 CON
301 CON
302 CON
303 CON
304 CON
305 CON
306 CON
307 CON
308 CON
309 CON
310 CON
311 CON
312 CON
313 CON
314 CON
315 CON
316 CON
317 CON
318 CON
319 CON
320 CON
321 CON
322 CON
323 CON
324 CON
325 CON
326 CON
327 CON
328 CON
329 CON
330 CON
331 CON
332 CON
333 CON
334 CON
335 CON
336 CON
337 CON
338 CON
339 CON
340 CON
341 CON
342 CON
343 CON
344 CON
345 CON
346 CON
347 CON
348 CON
349 CON
350 CON
351 CON
352 CON
353 CON
354 CON
355 CON
356 CON
357 CON
358 CON
359 CON
360 CON
361 CON
362 CON
363 CON
364 CON
365 CON
366 CON
367 CON
368 CON
369 CON
370 CON
371 CON
372 CON
373 CON
374 CON
375 CON
376 CON
377 CON
378 CON
379 CON
380 CON
381 CON
382 CON
383 CON
384 CON
385 CON
386 CON
387 CON
388 CON
389 CON
390 CON
391 CON
392 CON
393 CON
394 CON
395 CON
396 CON
397 CON
398 CON
399 CON
400 CON
401 CON
402 CON
403 CON
404 CON
405 CON
406 CON
407 CON
408 CON
409 CON
410 CON
411 CON
412 CON
413 CON
414 CON
415 CON
416 CON
417 CON
418 CON
419 CON
420 CON
421 CON
422 CON
423 CON
424 CON
425 CON
426 CON
427 CON
428 CON
429 CON
430 CON
431 CON
432 CON
433 CON
434 CON
435 CON
436 CON
437 CON
438 CON
439 CON
440 CON
441 CON
442 CON
443 CON
444 CON
445 CON
446 CON
447 CON
448 CON
449 CON
450 CON
451 CON
452 CON
453 CON
454 CON
455 CON
456 CON
457 CON
458 CON
459 CON
460 CON
461 CON
462 CON
463 CON
464 CON
465 CON
466 CON
467 CON
468 CON
469 CON
470 CON
471 CON
472 CON
473 CON
474 CON
475 CON
476 CON
477 CON
478 CON
479 CON
480 CON
481 CON
482 CON
483 CON
484 CON
485 CON
486 CON
487 CON
488 CON
489 CON
490 CON
491 CON
492 CON
493 CON
494 CON
495 CON
496 CON
497 CON
498 CON
499 CON
500 CON
501 CON
502 CON
503 CON
504 CON
505 CON
506 CON
507 CON
508 CON
509 CON
510 CON
511 CON
512 CON
513 CON
514 CON
515 CON
516 CON
517 CON
518 CON
519 CON
520 CON
521 CON
522 CON
523 CON
524 CON
525 CON
526 CON
527 CON
528 CON
529 CON
530 CON
531 CON
532 CON
533 CON
534 CON
535 CON
536 CON
537 CON
538 CON
539 CON
540 CON
541 CON
542 CON
543 CON
544 CON
545 CON
546 CON
547 CON
548 CON
549 CON
550 CON
551 CON
552 CON
553 CON
554 CON
555 CON
556 CON
557 CON
558 CON
559 CON
560 CON
561 CON
562 CON
563 CON
564 CON
565 CON
566 CON
567 CON
568 CON
569 CON
570 CON
571 CON
572 CON
573 CON
574 CON
575 CON
576 CON
577 CON
578 CON
579 CON
580 CON
581 CON
582 CON
583 CON
584 CON
585 CON
586 CON
587 CON
588 CON
589 CON
590 CON
591 CON
592 CON
593 CON
594 CON
595 CON
596 CON
597 CON
598 CON
599 CON
600 CON
601 CON
602 CON
603 CON
604 CON
605 CON
606 CON
607 CON
608 CON
609 CON
610 CON
611 CON
612 CON
613 CON
614 CON
615 CON
616 CON
617 CON
618 CON
619 CON
620 CON
621 CON
622 CON
623 CON
624 CON
625 CON
626 CON
627 CON
628 CON
629 CON
630 CON
631 CON
632 CON
633 CON
634 CON
635 CON
636 CON
637 CON
638 CON
639 CON
640 CON
641 CON
642 CON
643 CON
644 CON
645 CON
646 CON
647 CON
648 CON
649 CON
650 CON
651 CON
652 CON
653 CON
654 CON
655 CON
656 CON
657 CON
658 CON
659 CON
660 CON
661 CON
662 CON
663 CON
664 CON
665 CON
666 CON
667 CON
668 CON
669 CON
670 CON
671 CON
672 CON
673 CON
674 CON
675 CON
676 CON
677 CON
678 CON
679 CON
680 CON
681 CON
682 CON
683 CON
684 CON
685 CON
686 CON
687 CON
688 CON
689 CON
690 CON
691 CON
692 CON
693 CON
694 CON
695 CON
696 CON
697 CON
698 CON
699 CON
700 CON
701 CON
702 CON
703 CON
704 CON
705 CON
706 CON
707 CON
708 CON
709 CON
710 CON
711 CON
712 CON
713 CON
714 CON
715 CON
716 CON
717 CON
718 CON
719 CON
720 CON
721 CON
722 CON
723 CON
724 CON
725 CON
726 CON
727 CON
728 CON
729 CON
730 CON
731 CON
732 CON
733 CON
734 CON
735 CON
736 CON
737 CON
738 CON
739 CON
740 CON
741 CON
742 CON
743 CON
744 CON
745 CON
746 CON
747 CON
748 CON
749 CON
750 CON
751 CON
752 CON
753 CON
754 CON
755 CON
756 CON
757 CON
758 CON
759 CON
760 CON
761 CON
762 CON
763 CON
764 CON
765 CON
766 CON
767 CON
768 CON
769 CON
770 CON
771 CON
772 CON
773 CON
774 CON
775 CON
776 CON
777 CON
778 CON
779 CON
780 CON
781 CON
782 CON
783 CON
784 CON
785 CON
786 CON
787 CON
788 CON
789 CON
790 CON
791 CON
792 CON
793 CON
794 CON
795 CON
796 CON
797 CON
798 CON
799 CON
800 CON
801 CON
802 CON
803 CON
804 CON
805 CON
806 CON
807 CON
808 CON
809 CON
810 CON
811 CON
812 CON
813 CON
814 CON
815 CON
816 CON
817 CON
818 CON
819 CON
820 CON
821 CON
822 CON
823 CON
824 CON
825 CON
826 CON
827 CON
828 CON
829 CON
830 CON
831 CON
832 CON
833 CON
834 CON
835 CON
836 CON
837 CON
838 CON
839 CON
840 CON
841 CON
842 CON
843 CON
844 CON
845 CON
846 CON
847 CON
848 CON
849 CON
850 CON
851 CON
852 CON
853 CON
854 CON
855 CON
856 CON
857 CON
858 CON
859 CON
860 CON
861 CON
862 CON
863 CON
864 CON
865 CON
866 CON
867 CON
868 CON
869 CON
870 CON
871 CON
872 CON
873 CON
874 CON
875 CON
876 CON
877 CON
878 CON
879 CON
880 CON
881 CON
882 CON
883 CON
884 CON
885 CON
886 CON
887 CON
888 CON
889 CON
890 CON
891 CON
892 CON
893 CON
894 CON
895 CON
896 CON
897 CON
898 CON
899 CON
900 CON
901 CON
902 CON
903 CON
904 CON
905 CON
906 CON
907 CON
908 CON
909 CON
910 CON
911 CON
912 CON
913 CON
914 CON
915 CON
916 CON
917 CON
918 CON
919 CON
920 CON
921 CON
922 CON
923 CON
924 CON
925 CON
926 CON
927 CON
928 CON
929 CON
930 CON
931 CON
932 CON
933 CON
934 CON
935 CON
936 CON
937 CON
938 CON
939 CON
940 CON
941 CON
942 CON
943 CON
944 CON
945 CON
946 CON
947 CON
948 CON
949 CON
950 CON
951 CON
952 CON
953 CON
954 CON
955 CON
956 CON
957 CON
958 CON
959 CON
960 CON
961 CON
962 CON
963 CON
964 CON
965 CON
966 CON
967 CON
968 CON
969 CON
970 CON
971 CON
972 CON
973 CON
974 CON
975 CON
976 CON
977 CON
978 CON
979 CON
980 CON
981 CON
982 CON
983 CON
984 CON
985 CON
986 CON
987 CON
988 CON
989 CON
990 CON
991 CON
992 CON
993 CON
994 CON
995 CON
996 CON
997 CON
998 CON
999 CON
1000 CON

~~FORCE NOT CHOICE~~

than it is. So, you gotta follow me, okay? So, when you make the admissions today, you're gonna place those on the record. You can offer an explanation and that's what I understand you're going to do, is that you're going to make the admission, then you're gonna offer a short explanation to me. And that's fine. Do you understand that?

~~JUDGE~~
MS. DAVIS: Sure. *I DIDN'T LIKE THE CON*
IS THIS PROS THE COURT: Okay. And there won't be any witnesses called to testify on your behalf. You won't cross-examine any witnesses. *I won't subpoena any witnesses because we're* making ~~you~~ *FORGET TO* forward after you make those admissions. So, I'm gonna have you stand up and raise your right hand to be sworn in.

MR. DAVIS: I'm most uncomfortable with this.
MR. GURUMURTHY: Well then + then have your trial.
REQUEST
THE COURT: All right *I SAID NO NOT ALWAYS*
RECODER: Do you swear or affirm the testimony you are about to give shall be the truth, the whole truth, and nothing but the truth?
MR. DAVIS: Yes. *? CONNED I SAID NO*

THE COURT: Go ahead and have a seat. Now Mr. Davis, go ahead and sit down. Mr. Gurumurthy's gonna ask you the questions that are written out that you've gone over with him in the -- in the conference room. And first I'll be listening for the word admit and then I'll listen for your

INTERRUPTED
3X TOLD TO HURRY UP
CON CON CON CON

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

4 MINUTES

1 explanation. Okay? Does that make sense?

NO NOT ENOUGH D

2 MR. DAVIS: Kind of want to say it the other way
3 around, but that will be fine. →

4 THE COURT: That's how I'm gonna tell you to do it.

5 MR. DAVIS: Yes.

6 THE COURT: Okay? All right. So, Mr. Gurumurthy?

7 MR. GURUMURTHY: Thank you, your Honor. Mr. Davis,
8 you heard what the Judge had to say, correct?

9 MR. DAVIS: Yes.

10 MR. GURUMURTHY: Now I'm gonna read some of the
11 allegations that we went over in the conference room that was
12 just handed to us this morning. We had a chance to review
13 them. And after I read each allegation, I would assume you
14 would admit to each allegation and then provide an
15 explanation as you indicated you would like to provide,
16 correct? Yes?

17 MR. DAVIS: Yes.

18 MR. GURUMURTHY: Okay. It's all being recorded
19 that's why I need you to answer yes or no. Okay. I'm gonna
20 read the first one. One, Rodney Davis, date of birth 1-15-
21 1954 is the biological father of (Misty Davis), date of birth,
22 11-16-1999 and (Crystle Davis), date of birth 1-22-2004.

23 MR. DAVIS: Yes.

24 MR. GURUMURTHY: Okay. Again, I'll read it again.
25 I don't know if that yes was to the --

JUMP KANGA JUMP — CUT OFF AGAIN

39

1 MR. DAVIS: Yes.

2 MR. GURUMURTHY: -- question I answered.

3 DISTRACTION 8
4 MR. DAVIS: Yes. Yes, was the answer.

5 MR. GURUMURTHY: Yes, to the first allegation.

6 MR. DAVIS: Yes.

7 MR. GURUMURTHY: Okay. Thank you. Second. Wendy
8 Davis, date of birth 5-30-1971 is the biological mother to
9 Misty Davis, date of birth, 11-16-1999 and Crystle Davis,
date of birth 1-22-2004. ↑ WHY THIS QUESTION

10 MR. DAVIS: Yes.

11 RAM 12 MR. GURUMURTHY: Three. Rodney Davis did not
13 execute a power of attorney for Crystle Davis while Rodney
14 Davis allowed Crystle to stay with Ruth Nordstrom(sic) to
attend school, in other words, home school, correct? To be
15 home schooled three days a week? Is that an admit or deny?

16 DENY 17 MR. DAVIS: Oh. That's false. ← NO

18 MR. GURUMURTHY: You can explain that. But isn't
that what occurred?

19 MR. DAVIS: What was it that occurred?

20 MR. GURUMURTHY: Was Crystle living with Ruth --
21 Ruth Nordstrom(sic)? ←

22 MR. DAVIS: No, she was not living there.

23 MR. GURUMURTHY: Was she staying with Ruth? VISIT

24 MR. DAVIS: She was being home schooled there.

25 MR. GURUMURTHY: Okay. How many days a week?

2½ (2)

1 MR. DAVIS: Two and a half.

2 MR. GURUMURTHY: Okay. While she was staying with

3 Ruth being homeschooled, did you execute a written power of
4 attorney? NEVER HAPPENED

5 MR. DAVIS: I gave a written -- handwritten letter
6 that her father had written that I signed stating that I gave
7 her permission to be home -- I gave Ruth Nordman permission
8 to home school Crystle Davis at Ruth and Ron's home.
9 SCHOOL WHO IS
FRAUD THIS

10 MR. GURUMURTHY: Mr. Davis, I want to ask you
11 again. Just answer the question. Was Ruth Nordstrom (sic)
12 given a power of attorney?
13 NORDMAN

14 MR. DAVIS: No.

15 MR. GURUMURTHY: Okay. Do you want to explain
16 somebody else had a verbal power of attorney, correct?

17 MR. DAVIS: Right.

18 MR. GURUMURTHY: Go ahead.

19 MR. DAVIS: When she had gone up there, there was
20 reason to believe that it was brought up even at the very
beginning before she even went there the first time, was
there would be no need for power of attorney or temporary
custody orders is that they're only 30 minutes away and that
I could either bring her up there to go to school and hang
around and come back on days that she needed to be there.
There was never any need for a power of attorney because I've
got friends of ours that live close to where we are that are

& FAMILY IN CADILLAC

1 very widely known and well respected and we've known them for
2 50 years.

NOT FOR OR DEPOSITION

RAND
② Galloway

3 MR. GURUMURTHY: What are the names of your
4 friends?

5 MR. DAVIS: And it was a verbal agreement which I
6 found out in this day, a verbal agreement between two parties
7 is a binding contract. That they would care for my children
8 if they were ever needed.

9 MR. GURUMURTHY: What are the names of your
10 friends?

11 MR. DAVIS: Mike Pitrowski and Julie Pitrowski.

12 MR. GURUMURTHY: Do you know how to spell their
13 last name?

14 MR. DAVIS: P-I-T-R-O-W-S-K-I.

15 THE COURT: And so, you admit paragraph number three
16 with that explanation, is that fair to say? NO

17 MR. DAVIS: Seeming that was the contract that we
18 had between the -- CUT OFF AGAIN TOUT TAKES

19 THE COURT: You admit paragraph three with your
20 explanation, correct?

21 MR. DAVIS: Yes.

22 THE COURT: All right. Thank you.

23 MR. GURUMURTHY: Mr. Davis, I want to go forward
24 with number four okay? Rodney Davis did not file an action
25 in the Probate Court to consent to a limited guardianship for

WHO EVER HEARD OF THIS?

42

RAND ONE ①
TALKED TO

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 Crystle Davis while Rodney Davis allowed Crystle to stay with
2 Ruth Nordstrom(sic) to attend school three days a week. —
3 NORDMAN NOT LIVE 2 DAYS

4 MR. DAVIS: Never would have known or needed to.

5 MR. GURUMURTHY: Okay.

6 MR. DAVIS: And I've already -- CUT OFF AGAIN

7 MR. GURUMURTHY: Okay. Let me ask you that again.

FILE IN NO NEED
8 Did you come to Clare County Probate Court and file an action
AT PLEASE in this Court regarding a limited Guardianship?

9 MR. DAVIS: No! I refused to give any limited
10 guardianship to that Ruth Nordman family. DID NOT TRUST

11 MR. GURUMURTHY: Okay.

12 EXPLAIN CUT OFF MR. DAVIS: I did not want them using it for -- AGIN

13 THE COURT: All right. Mr. Davis, remember I asked
14 you make the admission and then offer the explanation. So, I
15 want you to follow my directions, okay? BUT I GET CUT OFF
16 BE CAREFUL

17 MR. DAVIS: All right. ✓

18 THE COURT: So, as to paragraph number four, do you
19 admit paragraph number four? And then I want to hear your
explanation. ↗

20 MR. DAVIS: Yes, I admit to it. ↗

21 THE COURT: All right. And now you can offer your
22 explanation, which you've already started to, so pick up
23 where you've left off. ↗

24 MR. DAVIS: Well my explanation started with about
25 a month previous to this is that she was going to be ↗
CAY ↗

1 attending school in the State of Ohio. Is that we have --

2 MORE DISTRACTION

THE COURT: Who's that? Crystle?

3 MR. DAVIS: Yes. DAVIS

4 THE COURT: Living with whom?

5 NOT NO

MR. DAVIS: With Ruth --

NOT ↘

NOT RUTH NORMAN

6 MR. GURUMURTHY: Marylynn. Marylynn.

7 MR. DAVIS: -- I'm sorry. With our friend Marylynn

8 who is very well off and have plenty of room, known my
9 children, known me for many years. And that their church has
10 a school and I felt the need that Crystle needs to be in a
11 more one-on-one type school as that she was not having good
12 reception at our school at the time.

BUS WRECK

13 JUDGE THE COURT: Good receipt was she having trouble
14 in school? BUS

ROD

15 MR. DAVIS: Absolutely.

16 THE COURT: Socially or academically or both?

17 MR. DAVIS: Both.

18 THE COURT: All right.

19 MR. DAVIS: Actually, her socially part was
20 contributing to her academic's failures.

BUS WRECK

21 JUDGE THE COURT: All right. So, thank you for that.

22 Let's move on to paragraph number five. And at again
remember, I first want (admit) and then I want the explanation.

23 So, that's the order that we're going. CON

24 MR. DAVIS: (I'm not all the way done.) I might -

CUT OFF
EXP AGAIN

←

44

POWER OF AT

↑ T
OUT TAKE

JUDGE PUT WORDS, I DID NOT SAY

YES
1 finishing up for you to understand, but those power of
2 attorney's would have been executed for Marylynn so that she
3 could cross state lines with my children. There was no need
4 to use them same power of attorney's with Ruth. NORDMAN

THE COURT: I'm gonna stop you there Mr. Davis.

'Cuz I understand. → ? DID SHE // / / / NOT

MR. DAVIS: All right.

OUT TAKE OUT TAKE

THE COURT: And there's -- there's different -- this

→ is like a play, okay? And we've got a script that we follow.

NO

MR. DAVIS: All right?

ENTERPRISE

THE COURT: And there are different parts that we

each play and there are different times for you offer further

information to me. So, I need limited information now.

REPUSED EXPLAIN TO ADMIT

Further information comes later, okay? So, I'm not trying to

deny what you're telling me -- SHE DENY

AFTER IT'S
TO LATE → MR. DAVIS: I just wanted you to understand.

THE COURT: -- I'm just trying to say I just,

no. I understand that. But it needs to come at a different
point. So, let's move on to paragraph number five.

NO EXP

MR. GURUMURTHY: Number five. And you and I have

IN HO

made changes to it because -- so, I'll read those, and
everybody could follow those.

THE COURT: All right.

MR. GURUMURTHY: Five. Rodney Davis was convicted
of attempting to disturb the peace with a delayed sentence

PLE/BARGAIN
COULD NOT AFFORD
JUSTIS \$

45

Josette Given

Certified Electronic Recorder

55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

PAY 150 OFFICE
TO COVER THEIR
ASSES
SHERIFF
DEP

DAY 42

1 status on [redacted] 12-6-2017. You can either admit first then
2 explain.

3 MR. DAVIS: True.

4 MR. GURUMURTHY: Admit or deny?

5 MR. DAVIS: Admit. ?

6 THE COURT: All right.

7 MR. GURUMURTHY: Okay. Now you want to explain
8 that? Go ahead sir.

AT SCHOOL
NOT BUS
STOP

OUT TAKE

9 MR. DAVIS: This came -- this stemmed from a case
10 that originated at the same time that Crystle was kicked off
11 the bus is when we went with (Plan B) about having her to be
12 schooled in another state. Was that the -- that she was
13 being kicked off the bus in front of my home, of course, I
14 hadn't any knowledge of this because it was through the
15 school system to evade me knowing. INTERVIEWING CRYSTLE

BULLION

16 THE COURT: There was an issue with the neighbor.

17 Is that correct?

18 MR. DAVIS: Yes. And they were across the street.

19 THE COURT: And that's what this stems from, ?

20 correct?

21 MR. DAVIS: He --

OUT TAKE

CUT OFF AGAIN ON EXPLAIN

22 THE COURT: That's really all I need to know for

23 this purpose and then you're gonna tell me more about it

24 later on. But that's all I need to know for this purpose is

25 that -- that's what it comes from and you're on a -- are you

LINED

(ATTEMPTED TO DISTURB THE PEACE)

46

Josette Given

Certified Electronic Recorder

55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

JOKES

BULL SHIT!
COPS NOT ARREST TILL PAY 150\$

1 Currently on a delayed sentence through District Court or is
2 that done?

3 MR. DAVIS: Yea. I just gotta make one more
4 payment to them and it's over. 50\$ ALL ABOUT \$
I ROD. HAD NONE

5 ASIN CUT OFF THE COURT: Okay. All right. Well, that's a good
6 % EXP thing. That's all I want to know and I'm gonna stop you
7 there. 'Cuz you're -- no. You're ending on a positive and
8 you OUT TAKE Mr. Davis? That's one of the rules. I told you it's
9 a play and I'm the director. So, I tell you when to start and
10 when to stop, okay? So, I'm telling you to stop here because
11 we need to move on to paragraph six. Paragraph number six
12 THIS WAS NOT ADMIT Mr. Gurumurthy?

13 10/16 MR. GURUMURTHY: Thank you, your Honor. On number
14 six. On October 16, 2017, Rodney Davis called CMH, Community
15 Mental Health to complete an intake for Crystle but lost
connection on the call. Admit or deny? RAW
OUT OF TIME ON PHONE CALL

16 MR. DAVIS: Admit I keep wanting to say true.

17 JUDGE THE COURT: All right.

18 MR. GURUMURTHY: Okay. Number seven. Since that
19 time, Rodney Davis has not followed up to complete the CMH
20 THEY DHS BASE & HERNANDEZ PURCHASED ON WARRANT TOOK
intake due to Ms. Bianca Hernandez not giving Rodney gas CRY
21 cards and Mr. Jereme Bear, both of DHS did not make a
22 referral to CMH regarding the intake? Admit or deny? I know
23 I've scribbled those.

24 MR. DAVIS: Well, I'm not real sure how I'm

25 WAITING FOR
REFERAL

1 supposed to admit to something that nothing happened.

2 MR. GURUMURTHY: But is that what happened?

3 ~~RESPONSE
ABILITY~~ MR. DAVIS: It was the other parties. ~~OUT TAKE~~

4 MR. GURUMURTHY: Okay. You can explain that. But
5 is that what happened? You didn't follow up -- ~~NOT TILL THE~~

6 MR. DAVIS: I admit that happened. ~~3RD Q/Z MORN~~

7 ~~I WAS
LIED TO~~ THE COURT: So, I want to be clear. So, you're
8 admitting that you did not follow up to complete this -- the
9 ~~GET CARED FOR RET~~ community mental health intake and ~~(then you're gonna offer an~~
10 explanation as to why?)

11 MR. DAVIS: Yes.

12 THE COURT: Okay. So, you admit to not following up
13 on the CMH intake?

14 MR. DAVIS: Yes.

15 THE COURT: All right. Now you can offer the
16 explanation.

17 MR. DAVIS: At the time that we had seven
18 witnesses, I was offered to take Crystle to mental health, is
19 that she needed counseling, which I had already known. And
20 had already planned on doing that. But just as it states in
21 here about financially. Is that I told them that financially
22 I couldn't do it at that time because it was the middle of
23 the month. I wasn't prepared. Wasn't asked to do this by the
24 end of the month and I would have money and do that. I was
25 told by Jereme Bear was that he would get a referral so that

HE LIED ~~NEVER TRIED~~
10X SAYING TIME ~~LIED~~
GOT WARRANT INSTEAD ~~OCT 25 BOOK CLOSED~~

48

~~WITH
WITNESS
PRESENT~~

DHSM

CPS JEREMY BARE

they could come out to our home and it wouldn't cost us anything. Great. I said, all right, now we're moving in the right direction. And as an alternative, Bianca Hernandez, I'm not sure if Jereme just put her on the task of making sure we had fuel cards as an alternative to get us up there.

~~NEVER
TRIED
LIE
ABOUT
FELLOW,
MEN'S
ADVICE~~

Both failed miserably as -- OUT TAKE CUT OFF EXP ASIN
~~him now~~ THE COURT: All right. Thank you, Mr. Davis. I'm gonna -- this is where I get to stop you again. So, we're ~~TAKE~~ gonna move on to paragraph number eight.

MR. GURUMURTHY: Number eight. Rodney Davis agrees that he is financially unable to obtain mental health services for his ~~DAUGHTER~~ family needs and stipulates to the court taking jurisdiction over Crystle Davis.

THE COURT: I'm gonna take one part out of that. The Court cannot accept a stipulation by a parent to take jurisdiction. So, in other words, we can't make that agreement. So, I just want to remove that second half of the sentence because that would not be appropriate. But the first portion that you just stated Mr. Gurumurthy is appropriate.

So, would you restate that to Mr. Davis and we can hear what he has to say?

MR. GURUMURTHY: Correct. I will your Honor, and again just to correct it would mean mental health services.

THE COURT: Okay.

MR. GURUMURTHY: Rodney Davis, number eight, Rodney

FOR CRY

NOT ADMITT

1 Davis agrees that he is financially unable to obtain mental
2 health services for Crystle Davis. Admit or deny?

3 MR. DAVIS: Admit.

4 MR. GURUMURTHY: Do you want to explain?

5 MR. DAVIS: I would think that had already been
6 done.

7 MR. GURUMURTHY: Okay. Thank you.

8 THE COURT: I think it was Mr. Davis. Thank you for
9 that. And thank you for your patience in listening to me
10 when I gave you instructions. That's gonna be -- that's
11 gonna be key in this case in that when I give you
12 instructions, we need to work together on this and make sure
13 that you follow through, okay?

14 So, I am going to accept the admissions that you've
15 placed on the record. I'm going to accept those admissions
16 with your explanations that you've offered as well. And I
17 find that they have been made knowingly, understandingly and
18 voluntarily. And so, the Court will take jurisdiction of
19 Crystle Davis through her father's admissions that have been
20 placed on the record. And Mr. Gurumurthy, if I could have a
21 copy of the -- the amendments that you made to those
22 admissions.

23 MR. GURUMURTHY: I can, your Honor. Absolutely.

24 THE COURT: I just want to make sure I have that in
25 the file, so I have the right admissions in the case.

1 / AGREEMENT / NOT

50

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

1 MR. GURUMURTHY: They are my -- my scribbled notes
2 but yes.

3 THE COURT: Okay. Thank you. Do we have the parent
4 -- a proposed parent-agency treatment plan?

5 MS. SCHWARZ: What we prepared, your Honor, a
6 parent-agency agreement and treatment plan back in November,
7 November 7th, 2017. And it addressed everybody in the family
8 which was distributed out to everybody, I believe, at least
9 it has been prior to this hearing. LIE

10 THE COURT: Do you have that Mr. Gurumurthy?

11 MR. GURUMURTHY: I do. Yes, your Honor.

12 NOT PROPER THE COURT: Pardon us for interrupting. Okay.

13 MS. SCHWARZ: We have on here three services to get
14 started with the services that we believe are needed for the
15 family and Crystle.

16 THE COURT: Has Crystle started the CMH services
17 that are recommended for her? BY BARNES NO RONAN

18 MS. SCHWARZ: Yes, she has.

19 THE COURT: Okay.

20 HERE'S THE MS. SCHWARZ: And we want to continue with those
21 services, but I know the Court likes to enter those orders
22 specifically as it relates to -- to the parties.

23 THE COURT: All right. Mr. Gurumurthy were you
24 able to go through the proposed parent-agency treatment plan
25 with Mr. Davis? ONLY 2 MIN

NOW DHS
BARGE TRYING
TO HIDE BARNES
WITH HOLDING EVIDENCE

1 MR. GURUMURTHY: I have your Honor. So, if we are
2 looking at Mr. Davis, the first one is psychological
3 evaluation with Doctor Barnes. My client has completed his
4 ~~COURT ASS~~ psychological evaluation with George Ronan, who is a licensed
5 psychologist, a Ph.D. in Mt. Pleasant. (All parties are)
6 served with that evaluation. He has completed that. I don't
7 think there is a need to go see Doctor Barnes, so I think
8 he's already completed one of his -- his PATP requirements.

9 → Sign all requested releases, my client -- that's
10 number three. And I will address number two in a minute,
11 that's gonna take a longer explanation. I don't think my
12 client has any objection to signing any requested releases, as
13 along as he can review it, his attorney can review it and
14 then we can sign it. That's been standard practice. I don't
15 think he has any objection to that.

16 MR. DAVIS: (inaudible words.) ← CUT OUT

17 MR. GURUMURTHY: In the future, if you have any
18 signed releases as this case progresses, I'll be able to
19 review any releases that are required. You, of course, will
20 have the opportunity to review it. Nobody's gonna just ask
21 you to blindly sign one, correct? Yes? → Q

22 MR. DAVIS: Yes.

23 MR. GURUMURTHY: Okay.

24 MR. DAVIS: Sorry.

25 MR. GURUMURTHY: The second one is participating

I WILL NOT COOPERATE WITH
LIVING TERRORIST

24

25

IS IT
NOT SO
OBVIOUSPROOF OF ENTERPRISE STATE LAW

1 with parenting times in accordance with DHHS guidelines. We
 2 don't know what DHHS's guidelines are. So, we need some
 3 clarification on what those guidelines are. Currently,
 4 parenting time is at least via telephone. We -- I can address
 5 that after the Court orders the PATP today. I'm going to be
 6 asking at least some supervised, even -- even if it's at DHS.

7 MR. DAVIS: Oh, so that's (inaudible words). NICARE

WAVES

1 seeing that he's already evaluated Crystle. So, we suspect
2 that Doctor Barnes, based upon his evaluation of Crystle,
3 would recommend family counseling, but we wanted that second
4 piece to be together so Doctor Barnes can make a well-
5 rounded, well thought out evaluation of recommended services
COMPATISIION
6 for this family to address the mental health issues that are
7 recognized by everybody. WHO & WHO
WE JUDY

8 THE COURT: I don't know that they are recognized
9 by everybody. That's the issue. THEY KNEW WHO'S

10 MS. SCHWARZ Well, yeah. Well, as far as Crystle
11 is concerned and the family needs. CUT OUT TRANS

12 THE COURT: All right. And Doctor Barnes, I'm just
13 looking back at Doctor Barnes' psychological evaluation of
14 Crystle. Is she currently seeing an individual therapist?

15 MS. SCHWARZ: My understanding is she is. I don't
16 PROS
recall the name of that therapist right off the top of my
17 head. LIE WHY DID SHE S
NOT KNOW THIS

18 ROD MR. DAVIS: Katie.

19 MS. SCHWARZ: Katie Most. Excuse me.

20 JUDGE? THE COURT: Okay. Thank you. And as Guardian Ad
21 Litem Ms. Howe, regarding the parent-agency treatment plan,
22 looking at both these services for Crystle as well as for Mr.
23 Davis, your recommendation?

24 MS. HOWE: Well, I -- I received this to look at
25 while we were breaking as well. And I see it's dated November

11/7/18

AB

11-7-18

1 7th, and that was my first attention factor there, is there
2 doesn't appear to be -- Crystle is already participating in
3 individual therapy and the parent-agency treatment plan does
4 not provide for family therapy which the court has already
5 noted between Crystle and her father. And in addition to
6 that I would need this treatment plan to be modified to
7 address concerns noted in my report regarding with the mother
8 as well for Crystle.

9 THE COURT: All right. Any services or changes Ms.
10 Tomczyk on behalf of the mother? Any concerns?

11 MS. TOMCZYK: On the services, your Honor, I think,
12 based on my review of the Guardian Ad Litem report, it
13 appears that although parenting time is not going poorly that
14 they may be assisted by some counseling which we would have
15 no objection to.

16 THE COURT: Here is my suggestion. This is an old
17 parent-agency treatment plan. We've got Doctor Ronan's report
18 now and there are some questions about Doctor Barnes'
19 involvement. And I think Doctor Barnes and Doctor Ronan,
20 they need to talk to figure out if that's even necessary
21 really. I would suggest that we reschedule --

22 MR. GURUMURTHY: If I can interject when the
23 Court's done?

24 THE COURT: Go ahead.

25 MR. GURUMURTHY: I'm just looking at both

DHSM
BARE
CLAWS

~~THIS IS VERRY IMPORTEN
CONTENPT~~

psychological reports, Judge. Doctor Barnes states a recommendation. I mean, you know, clearly a subparagraph recommendation, it states he does this with DHHS, he contracted with DHHS, he knows what they're looking for, that's why it's written that way. If you look at Doctor Ronan's, it's not a recommendation, but he has conclusion saying, you know, again that it may be that participating in mental health service to learn more about effective strategies for managing chronic pain might be useful. It goes into saying, you know, that Mr. Davis was rather defensive on the measure of psychiatric symptoms. So, I mean, it goes into what he may need so this doesn't list out, he gonna need A, B, C and D. But it's a paragraph of these things could happens. So, and that is what I was going to suggest. Maybe the two psychologists could discuss together as to and put a plan together. This may give Doctor Ronan and again, an option to look at Crystle's psychological evaluation as well.

I don't think both of them have looked at each other's.

~~RONAN LOOK NEVER BARE AT CRYSTLE & RONAN~~
THE COURT: All right. We're gonna reschedule dispo to continue at a different day and time and so, we've got two psychologists. I'm familiar with both of them. Both of them do services for this so they're not unknown entities. And certainly, they must -- it would be necessary for them to speak. So, I will order for today that the Mr. Davis sign any releases necessary so that Doctor Ronan and Doctor Barnes

~~DENIDE
BY BARE~~

~~THIS IS
WHAT
JE BARE
DID NOT
WANT~~

~~NEVER
HAPPEND~~

~~THIS NEVER
DID THIS~~

~~CONTENPT
BARE~~

RONAN & BARNES

*JEN HUMES
RONAN FIRES HIS
DAD BARNES*

can communicate with one another. And then as I said, this
 1 is an old parent-agency treatment plan and it's nice to have,
 2 but I think we need to make some updates to it. Especially
 3 with input from Crystle's current therapist as well as input
 4 from Doctor Barnes and Doctor Ronan. So, let's make it a
 5 little more detailed so that we're all on -- on track here.
 6
 7 It doesn't have to be more complicated just give us a little
 8 bit better road map, so.

*THIS
WAST
SI
ACRANLAF
BARE
FELLON
STILL ON JOB!*
 9 In the meantime, placement will continue as
 10 previously ordered in light of the Guardian Ad Litem report,
 11 is that your recommendation as well Ms. Howe?

12 MS. HOWE: That is my recommendation as well.

13 THE COURT: All right. And parenting time would
 14 continue as previously ordered as well as between both mother
 15 and father and Crystle. But then we'll be back in a couple
 16 weeks' time. So, this happens fairly quickly, so both of the
 17 parents know, DHHS is going to probably going to be
 18 contacting you. Make sure you answer their telephone calls
 19 and respond to them because we need to work together to come
 20 up with an appropriate parent-agency treatment plan. And then
 21 Doctor Ronan and Doctor Barnes need to be able to communicate
 22 as well with the Department and so those releases would be
 23 necessary.

24 MR. GURUMURTHY: And -- and Judge, I would simply
 25 ask that there be an order that he get fuel cards and the

FEB 22 18
*BARE DEFIDE
COURT ORDER
CONTTEMPT*

1 appropriate financial assistance in making these things
2 happens. There have been some issues in the past that the
3 Department has given me two reasons. One is that he hasn't
4 made any admissions. We're not ordered. We can't -- we can't
5 help him. That's a valid answer. The other one is the gas
6 cards are on a first come, first serve basis. They're
7 already in and they're gone. We can't -- so we can give him
8 rides. My client absolutely requests that he not be allowed
9 ← NOT TO RIDE LIE or ordered to be a ride in the car with DHHS. There have been
10 statements made by the Department that they were intimidated
11 by him, it doesn't make sense that if they were intimidated
12 by him to put him in a car, go off with someone from DHHS to
13 drive him around. →
14 THE COURT: Well --
15 MR. GURUMURTHY: He doesn't feel that that's
16 necessary either. If he can get the appropriate amounts of
17 gas cards to get around and is financially helped, it might
18 be easier.
19 → PROS
20 THE COURT: Okay. So, does -- I'm not going to
21 order that today, Mr. Davis I'm gonna order that you fill out
22 a complete financial information statement to provide to DHS
23 and the Court, so I can take a look at it. And I don't know
24 that I would order what you're asking. You're not going to
25 be able to manipulate people or threaten people to get them
to do what you want. It's not gonna work. So, if you -- if
→ WORK FOR DHS / THIS IS DUE
J BARE → PROSESS ?

1 you can't get somewhere and you didn't get the gas card in
2 time, you're out of luck. Either you ride with them or get
3 there in line for a gas card.

4 MR. DAVIS: Obviously, she's taking their side of
5 the story now about all that.

6 THE COURT: So, at this point, I'm not gonna order
7 that of the Department --

8 MS. SCHWARZ: Thank you. PROSECUTEK

9 THE COURT: -- but I do need more information about
10 your finances because this issue keeps cropping up. And so,
11 you need to be very open and honest about what your assets
12 are, and we'll go from there.

13 MS. TOMCZYK: Your Honor? WENDY LAWYER

14 THE COURT: Yes, Ms. Tomczyk.

15 MS. TOMCZYK: If we could, we would, noting in the
16 Guardian Ad Litem report that my client is only getting one
17 hour of parenting time a week, I would ask that DHS try and
18 fit in more parenting time per the schedule. I think it's --

19 THE COURT: I'm -- thank you Ms. Tomczyk. I'm gonna
20 leave that to the BARE Department's discretion right now. And
21 hopefully they'll have a discussion with Crystle's therapist
22 as well to see how or if that should be increased.

23 JER BARE MS. TOMCZYK: Okay. STOP

24 MS. HOWE: And -- and as Guardian Ad Litem, on the
25 one hour, and I can understand the request for more time, but

1 Crystle participates in the Tuesday and Thursday after school
2 tutoring and she's getting assistance with an additional
3 tutor on Friday now for math, as well as her counseling
4 sessions which she's taking part in. So, it might just be a
5 matter of trying to have --
6 ~~WASTHIS JUDGE~~ THE COURT: She's got a full plate and mom lives so
7 ~~PROB BARE~~ far away, that's my concern about order more time.
8 ~~ACUTE~~ MS. TOMCZYK: And -- and -- yes. I guess this is
9 just kind of a formal request to DHS to try and see ~~IF~~ we can
10 ~~JOKE~~ work some -- some more time out
11 THE COURT: All right. So, I'll leave that to the
12 discretion -- at the discretion of the Department. All right.
13 ~~ENTERPRISE~~ MS. SCHWARZ: Thank you, your Honor. ~~COURT~~
14 ~~ENTER~~ THE COURT: Thank you. Court's in recess.
15 ~~ENTERPRISE~~ BAILIFF: All rise.
16 (At 11:15 a.m., matter is recessed.)
17
18
19
20
21
22
23
24
25

DAY 382

1 STATE OF MICHIGAN)

2 COUNTY OF CLARE)

3

I certify that this transcript consisting of 61 pages is a complete, true, and correct transcript to the best of my ability of the respondent father's motion in limine, (motion to seek) independent psychological evaluation and to seek a second opinion of psychological evaluation, (motion to strike) Department of Health and Human Services proposed witness list and adjudicatory hearing held in this case at the 55th Circuit Court-Family Division, Clare County, on Thursday, February 22, 2018.

This transcript is only certified if the signature below is original.

Date:

365
17
382

11-11-18

382 DAY

LATER

Josette Given CER 5277

55th Circuit Court-Family Division
225 West Main Street
P O Box 96
Harrison Michigan 48625
(989) 539-7109

WHY DID THIS TAKE 264 DAY
? ? ? ?

F 8 SEP 30
M 31 OCT 31
A 30 NOV 11
M 31 264
J 30
J 31 DAYS LATER
A 31

61

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

**Farwell High School
Farwell Area Early College
Timberland Alternative Education**
399 E. Michigan Avenue, Farwell MI 48622
www.farwellschools.net
989-588-9913 FHS/EC
989-588-7219 Timberland



Dee Yarger, Principal
Jakob Veith, Assistant Principal
Jason Dykstra, Athletic Director
Lynette Lentovich, Farwell Area Early College Director
Robert First, Timberland Dean of Education

District Mission Statement: Together with family and community, Farwell Area Schools will educate all students in a supportive environment, engaging them in learning through a variety of challenging experiences to ensure success in an ever-changing world.

September 14, 2017

Mr. Rodney Davis
9852 Cadillac Drive
Lake MI 47632

Dear Mr. Rodney Davis:

This letter is to verify action taken by the Farwell Area Schools that Mr. Rodney Davis is not allowed to enter upon Farwell Area School's grounds unless otherwise directed in writing by administration as a result of disorderly conduct on September 13, 2017 at the bus stop with the bus driver while in front of a bus full of students.

This no trespassing letter includes all school properties and all extracurricular events. If you have any questions, please feel free to contact me at 588-9917.

Sincerely,

Dr. Yarger, Ed.D.

Principal Farwell High School, Timberland Alternative Education, Farwell Area Early College

Cc: Farwell Area Schools Administration and Staff
Clare County Sheriff's Office

RECO DAVIS 09 9 17

JULIE MAYO 1-517-612-8422

CRYSTLE TC 7CK 411
DAVIS

RICHARD

Farwell High School
Farwell Area Early College
Timberland Alternative Education
399 E. Michigan Avenue, Farwell MI 48622
www.farwellschools.net
989-588-9913 FHS/EC
989-588-7219 Timberland



Dee Yarger, Principal
Tom Suggitt, Assistant Principal/Athletic Director
Lynette Lentovich, Farwell Area Early College Director
Robert First, Timberland Dean of Education

District Mission Statement: Together with family and community, Farwell Area Schools will educate all students in a supportive environment, engaging them in learning through a variety of challenging experiences to ensure success in an ever-changing world.

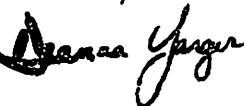
October 12, 2017

Mr. Davis,

Enclosed is a 15-day attendance letter along with a state accountability form to address Crystle's attendance at Farwell High School. At this time, we need the state accountability form filled out and sent back to Farwell High School or we will need to turn over truancy information to the Clare County prosecuting attorney's office.

Please fill out the form and return it by Friday, October 27th. CRYSTLE WAS KIDNAPTED BY A SWAT TEAM BY J BARRE LIE
If you have any questions about this, please contact me at 989-588-9913

Sincerely,


Dr. Deanna Yarger
Principal
Farwell High School

CRYSTLE WAS TOLD CRYSTLE NO LONGER ATTENDS FARWELL SCHOOLS
SHE IS BEING HOME SCHOLED
WHY HAVE YOU NOT FORWARDED HER RECORDS PER REQUEST & ANSWERD THEY HAVE BEEN SEET

LIE

1 TABLE OF CONTENTS
2

3	<u>WITNESSES: PETITIONER</u>	<u>PAGE</u>	
4	NONE		
5			
6			
7	<u>WITNESSES: GUARDIAN AD LITEM</u>		
8	NONE		
9			
10			
11	<u>WITNESSES: RESPONDENT FATHER</u>		
12	NONE		
13			
14			
15	<u>EXHIBITS</u>	<u>INTRODUCED</u>	<u>ADMITTED</u>
16	NONE		
17			
18			
19			
20			
21			
22			
23			
24			
25			

Harrison, Michigan.

Tuesday, March 20, 2018 - 10:05 a.m.

THE COURT: Calling the case of in the matter of Crystle Davis. This is file number 17069NA. Would counsel identify please?

MS. SCHWARZ: Thank you, your Honor. Chief Assistant Prosecuting Attorney appearing on behalf of petitioner, Eilisia Schwarz appearing on behalf of the petitioner.

THE COURT: Thank you.

MS. HOWE: Annette Howe, Guardian Ad Litem
appearing on behalf of the child, Crystle Davis.

THE COURT: Thank you. And the Court will use the last Guardian Ad Litem report because it was recent.

MS. HOWE: Thank you. And I've provided that to the attorney for the respondent father as well.

THE COURT: Thank you, Ms. Howe. And Mr. Gurumurthy?

MR. GURUMURTHY: And I've received that report as well, Judge. I'm Ravi Gurumurthy on behalf of Mr. Rodney Davis. He's here in the courtroom seated to my left.

THE COURT: Thank you. Mr. Davis, I'll have you say your name please.

MR. DAVIS: Rodney Davis.

THE COURT: Thank you. And Ms. Schwarz?

1 MS. SCHWARZ: Thank you, your Honor. I do believe
2 that, again the court received the -- I guess it'd be the
3 updated parent-agency agreement and treatment plan dated 3-5-
4 2018. And I believe everybody has also received the court
5 report for -- that's also dated. Can I --- let me start over.
6 The parent-agency agreement and treatment plan and the court
7 report along with the psychological evaluation (inaudible).
8 I believe those last two things we were talking about at the
9 last hearing.

10 However, I wanted to provide the court an update on
11 the PATP. I know that after the last hearing, the court
12 wanted communication between Doctor Barnes and the evaluator
13 for Rodney Davis. And we are trying very hard to make that
14 progress happen. We have supplied releases to the respective
15 evaluators, so they can communicate with each other to set
16 forth a recommendation. Likely coming from Doctor Barnes as
17 it relates to, what does Crystle need services-wise to be
18 able to repair, rebuild, strengthen that bond between she and
19 her father. It's a slow progress because we're dealing with
20 two very busy people that is above and beyond the
21 psychological evaluation.

22 So, regretfully that's where we're at with number
23 one on the PATP. So, we left -- we left it as such on the
24 PATP. But other than that, that's where we're at with that.
25 We want the PATP ordered so that services can continue and

1 that they're court ordered for Rodney to participate in.

2 We would like to see Rodney participate in some
3 mental health services. And just medical services as well as
4 it relates to his health.

5 I am gathering together all of the reports that Mr.
6 Bear has provided. And I have to apologize, there's been a
7 little bit of snafu on -- on how to get those reports so
8 they're available for distribution. I have compiled those
9 reports and -- and summaries of the visits between Mr. Davis
10 and Crystle. I directed Dusty Merritt, out of my office to
11 put those together in one packet so they're all together and
12 bringing us up to date on the summaries that those -- those
13 visits -- those telephone conversations with dad, whether
14 they happened or didn't happen. So, the court has some
15 documents to review, specifically, coming from the person
16 who's doing the supervising in those visits.

17 Other than that, we're asking that the court
18 continue with this being a reunification case, that placement
19 continue. That services are ordered. Parenting time will be
20 within the discretion of the Department as far as it relates
21 to Rodney and Crystle. And I believe that's all we have as
22 far as updates that aren't contained in those documents
23 previously presented.

24 THE COURT: All right. Thank you. Ms. Howe?

25 MS. HOWE: Thank you, your Honor. I've reviewed

1 the parent-agency treatment plan provided, dated 3-5-2018 in
2 regards to Mr. Davis, and I do believe that that is
3 appropriate. However, parenting time is occurring by
4 telephone now and we have a person supervising and perhaps
5 that parenting time could be supervised by a therapist of
6 either one of Mr. Davis and of Crystle, 'cuz things tend to
7 get out of hand. But it doesn't appear that the supervisor of
8 the telephone visits is exercising any type of authority and
9 ending those discussions. But it could be productive if --
10 if there was the appropriate healthcare professional to
11 facilitate growth between the father and the daughter.

12 THE COURT: All right. Would you think that face-
13 to-face family therapy would be even better?

14 MS. HOWE: At this time without -- I have not seen
15 any type of mental health services that Mr. Davis has
16 participated in to help facilitate positive face-to-face. I
17 do believe --

18 THE COURT: So perhaps in the future that would be
19 appropriate?

20 MS. HOWE: Yes. I don't oppose it in the future. I
21 think we have to take positive steps. And the first positive
22 step would be through the verbal conversation. Because that
23 can easily be ended by hanging up the telephone. And maybe
24 they could learn from things that were negatives that ended
25 that telephone conversation.

1 THE COURT: All right. Mr. Gurumurthy?

2 MR. GURUMURTHY: Thank you, your Honor. You know,
3 I -- I don't think this parent-agency treatment plan is
4 appropriate. If I look at what admissions Mr. Davis made,
5 they don't reflect the parent-agency treatment. This is a
6 sandbagging backdoor way to get into what they want. This is
7 not the process of Probate Court. This is -- this is not the
8 process of a neglect nor abuse proceeding. You don't -- this
9 is -- this is the admissions that the Department drafted,
10 agreed to, and that's what we were stuck with. That's what
11 he made admissions to. The parent-agency treatment plan must
12 reflect what admissions were made. There is nothing in these
13 admissions, and I've read them numerous times, that go to,
14 Rodney Davis, mental health, Doctor Byron Barnes. Complete a
15 full psychological. He's done one. So, to have a second one
16 done is absurd. We've been here a month and it is hard for
17 me to sit here and believe that these two professionals,
18 Ronan and Associates and Doctor Barnes have not sat together
19 and discussed and -- and figured out a plan. So, now my
20 client is a month behind trying to figure out what else to
21 do.

22 Then, you have parenting time. He's willing to
23 participate in any parenting time. Again, the parenting time
24 over the phone is just absurd. The last time we were in
25 court, the court made is very clear. Six phone calls of

1 parenting time. This is just -- that was the court's order.
2 This has just gone further than that. It is longer than
3 that. There has to be face-to-face parenting time. I don't
4 give -- therapy supervisors or not, you have a mother with
5 her -- her boyfriend visiting and doing parenting time. The
6 report indicates he's creepy. He's got a picture of this
7 girl by his nightstand, in his wallet, telling this young
8 child about how he adores her pictures and looks at them.
9 This is creepy as hell and the Department allows this to
10 happen. They won't stop. Parenting time should be with the
11 parents and not some third party. I've indicated this to the
12 Department numerous times and -- and nothing gets done with
13 it. So, now you have Daryl, who shouldn't be there, is
14 participating in parenting times. The child indicates he's
15 creepy, I don't want him there. She cries about it and goes
16 on. But here, my client, who has raised these kids, he's got
17 two children. One for eighteen years that he's raised.
18 Crystle, thirteen years. Never been part of the system.
19 Never had to go to (inaudible) and now we have a problem.
20 So, again, if there's a problem, that problem needs to be
21 fixed. And needs to be looked at.

22 And then I look at paragraph three, sign all
23 requested releases. He's willing to do that if his
24 psychological -- his -- his psychologist and Doctor Barnes
25 have discussed and figure out a plan, he's indicated that at

1 the last hearing. I will sign any releases for those two to
2 communicate. Not for DHS to figure out and -- and put in
3 things in place as to how they need to communicate. That's
4 not the Department's job. So, that hasn't been done. He
5 hasn't been provided with any releases, at least that's what
6 he's indicated.

7 Again, medical health. He's taking care of his
8 medical health. This, you know, trials and court proceedings
9 are stressful, but to use the stress of going to court and
10 fighting to get your child by going through the loops that
11 the Department puts in, does not turn into, oh, you have
12 medical condition. So now you have to follow and do what we
13 want you to do medically. There's nothing in these
14 admissions that report he's medically incapable or medically
15 incapacitated to take care of his child. So, that shouldn't
16 be part of this.

17 Parenting skills. Again, parenting skills only
18 occur when the parent and child are together. They've kept
19 these parents, or at least my client who has been the primary
20 parent of this child for ten years plus, away from this
21 child. How do they expect parenting abilities and skills to
22 be developed? That makes no sense.

23 And then mental health. There is nothing in these
24 admissions that indicate that that mental health is a
25 necessity for -- for my client. I spoke to his other

1 daughter shortly before coming into court, Misty, and she
2 indicated that she was on the phone with Crystle yesterday
3 and Crystle again, go into an argument with Misty. So, it's
4 not just that it's my client who's starting the trouble and
5 getting into arguments, he's just being the parent. Maybe he
6 needs some direction to -- to understand how to deal with
7 Crystle -- Crystle's behaviors.

8 But he has all along indicated money is the issue.
9 And if being in poverty prevents him from providing that --
10 so, if this is what it takes is the court to order the
11 Department to assist financially in getting to these
12 services, then that's what we do. But to simply sit there
13 and say Mr. Davis is supposed to do all these things, that's
14 gonna fix Crystle and Mr. Davis's relationship, makes no
15 sense. That's not what is going on here Judge. You know, I
16 -- I, you know, I look back and I say now, I wish we had some
17 of the witnesses who would have testified, and that trial
18 would have happened because those witnesses, they were here.
19 I waited here that afternoon, I thanked them for coming and
20 they all indicated Rodney was nothing but a great father.
21 There are some issues. You know Rodney has his own problems,
22 he understands that. But he's a strong father to his kids
23 because he's raised these kids as a single father.

24 So, he wants his child home. He wants his child
25 with him. He wants to participate in the services with his

1 child. But not have the Department breathing down his neck to
2 have him do things he's already done. And then use his
3 poverty against him, saying well, you're too broke to do
4 this, so you can't do this.

5 So, I mean, that's what baffles me with this case.
6 This case is between is -- is reunification and building a
7 relationship between Crystle and the father and that's what
8 the focus is. This is not a focus in fixing Rodney Davis.
9 Along the way, Rodney Davis's relationship with his daughter
10 get's fixed. But it's not, let's fix Rodney Davis and that's
11 gonna fix this problem. That's not gonna happen. Because I
12 know Mr. Davis is not going to do that. He's gonna argue and
13 fight with the Department all along. Because the goal for
14 the Department is to just save Mr. Davis, not work on the
15 relationship that Mr. Davis and Crystle need to work on.
16 That's where the focus needs to be.

17 I was just told by my client, he got some
18 notification about prescription meds that -- that Crystle was
19 on but nobody gave him the notification. He found that out
20 through his Medicaid, through his insurance from the
21 pharmacy. So, again, if this is reunification, I don't if
22 this child is on medication or not, but he needs to know what
23 that medication is.

24 Again, I get these reports from the supervisor. I
25 have no idea who it is. I don't have a name. I get them a

1 day before the hearing. I don't have it signed and then when
 2 I look at these -- these -- these supervisor's report, they
 3 are -- I wish the supervisor would be here, so she could be
 4 cross-examined because now these are not subjected to cross-
 5 examination. They're one sided. Rodney said this. Rodney
 6 said this. Why don't you put what Crystle responded? What
 7 Crystle said. You know, it just is a one-time thing but
 8 Rodney and Crystle arguing about -- about a friend, okay.

9 Again, Rodney is trying to discuss with his child
 10 about parenting. Now, they might be a different way to do
 11 it, but that's what the focus needs to be. So, I don't agree
 12 with this parent-agency treatment plan. What I would suggest
is that the two psychologists get together and figure out how
these two individuals can be in the same room and work on a
 13 relationship. This is what this child is used to for thirteen
 14 years. Mr. Davis, I'm assuming he's in his fifties, or more,
 15 I don't know. But he is being the same way. It's not going
 16 to change. What's going to change is how they deal with the
 17 situation they're in. That's where the focus is. Asking
 18 somebody to change, I've been listening, Misty has no problem
 19 with her father. She's sitting outside. She doesn't want to
 20 be here in court today because she's afraid that the
 21 Department's gonna take her away now. She's sitting right
 22 outside, and I spoke to her. But her understanding of why
 23 Crystle does not want to come home is because Misty's home,

1 the two kids fight, if Misty was to leave, Crystle would be
2 fine coming home.

3 So, again, I don't know where this is, but I have
4 one child that reports completely different behaviors with
5 her father and completely different behavior about her
6 sibling. And then I get these reports and it's completely
7 different. So, and then I get this parent-agency treatment
8 plan that is nothing to do with the admissions that are made.
9 They are not a mirror image. They should be a mirror image
10 of what these admissions are. They are not. So, that's all I
11 have for the court, Judge.

12 THE COURT: All right. Thank you. So, turning
13 first to, what I don't want to have become a red herring,
14 which easily could. I don't know who this supervisor is, but
15 I hope that the Department is flabbergasted by these reports.
16 I hope the Department has read these reports and thought, who
17 have we hired to supervise this. This is horrible. It is
18 bizarre. And so, only the parents are to have contact with
19 Crystle. Only the parents. Nobody else. And this, I would
20 strongly suggest to the Department that they get somebody
21 else to supervise this. These phone calls are strange.
22 They're strange between the father and the daughter in a
23 contentious way. They've grown up -- or these girls have
24 grown up, Crystle specifically fighting with dad and dad
25 fights with everybody. So, I kind of get dad and Crystle's

1 phone calls. But these interactions with mom and the
2 boyfriend are weird. And so those have got to stop. Those
3 are just strange. And I think the Department has placed
4 Crystle in a very tenuous and dangerous position. Reading --
5 just reading these lead to that conclusion. So, I hope the
6 Department has some sense of what I'm saying.

7 As for the parent-agency treatment plan. At
8 disposition, the court can take into consideration,
9 everything. Not just admissions, but everything. Hearsay
10 and everything. So, Mr. Davis, your behavior in the
11 courtroom can be observed by me as well. So, as far as the
12 parent-agency treatment plan, I'm gonna order this --

13 MR. GURUMURTHY: And Judge, just for the record,
14 he's already done a psychological. So, we were --

15 THE COURT: I know. It was a psychological --

16 MR. DAVIS: I want to say something.

17 *WHY* THE COURT: No. You don't get to say anything
18 right now sir. The psychological that was done by his hired
19 professional without any recommendations. So, I am going to
20 order the psychological evaluation with Doctor Barnes. So, I
21 have consistency amongst all of the families with
22 *ENTERPRISE* psychological's. So, I can have recommendations as well.

23 Parenting time will continue to be ordered at the discretion
24 at DHHS and whether it's supervised or unsupervised. And Mr.
25 Davis will sign all releases so that documentation can be

NEVER GOT RELEASES

14

*J BARE
CONTENT*

Josette Given

Certified Electronic Recorder

55th Judicial Circuit Court - Family Division

17th Judicial District Probate Court

Harrison, Michigan

WHAT
THE HELL
IS THIS

provided. I'm not gonna order the health screen at this time. I am going to order the parenting education class. And I'm not going to order mental health pending Doctor Barnes' report because I have Doctor Ronan's report. So, I need to balance those out.

So, we'll continue to look at the parent-agency treatment plan. But this is a reunification case. We are dealing with a teenager who is familiar, obviously, with her father. He's been the primary caregiver. And so, the dam's gonna have to break here. And there's gonna have to be some contact between the father and the daughter. And most likely through some type of therapy session to start with so that they can both be somewhat contained. But hopefully Doctor Barnes gives us some better insight as well as to Mr. Davis and then we can use that along with the psychological of Crystle to get this moving. But this case needs to pick up some steam and start moving forward faster.

But Mr. Davis, a lot of that depends on you as well. So, you have the capacity to make this go a little more quickly through your willingness to participate in services that have been ordered. So, I'm gonna ask that Doctor Barnes provide the court and DHHS information within the next 60 days. We need the psychological done and some recommendations done because this is just stalling out. And I know that it'll become longer and longer if we leave it

ENTERPRISE
110/13 14 15/16
17

open ended. So, I'm gonna say 60 days for that psychological and all recommendations to be provided. As well as that interaction between other therapists and Doctor Barnes so that we can make some headway. Anything further Ms. Schwarz?

MS. SCHWARZ: No, thank you.

THE COURT: And Ms. Howe?

MS. HOWE: No, your Honor.

THE COURT: And Mr. Gurumurthy?

MR. GURUMURTHY: Yes, your Honor. We would simply again, but I would renew my previous motion. Then we should have a independent evaluation of Crystle. You know, Doctor Barnes is hired by the Department. And I don't know if that has any weight or not. But my suggestion is, both -- if -- if -- if Mr. Davis has to get a second psychological, let's go find a different person and let's have the two of them at a different psychologist and get that done through a different psychologist.

THE COURT: I'm not gonna order it. You have no

idea sir the trauma that you are willing to put your child through. And I'm not gonna be part of it. So, I'm not gonna order another psychological evaluation. We are causing trauma to this kid more so than is necessary. So, we need to stop that and I'm gonna stop that by not continuing to order it into services and therapy and psychologist. Enough's enough. We have an initial parent-agency treatment plan.

I DEMANDED TO A OUT OF
ENTERPRISE

16

Josette Given
Certified Electronic Recorder
55th Judicial Circuit Court - Family Division
17th Judicial District Probate Court
Harrison, Michigan

ALL SHE WANTS
FOR HER
ENTERPRISE

YOU
ARE
APART OF
THIS

Byron D. Barnes, Ph.D.
1204 W. Division
Cadillac, MI 49601
(231) 429-3757

November 14th, 2017

PSYCHOLOGICAL EVALUATION

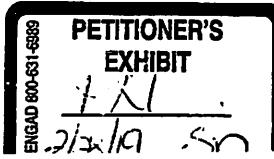
Patient's Name:	Crystle Davis
Date of Birth:	January 22 nd , 2004
Dates of Evaluation:	October 31 st , 2017
Age:	13
Referral Source:	Michigan Department of Health and Human Services

REASON FOR REFERRAL: An evaluation was requested to provide information that would be useful in the diagnosis, treatment, and placement of Crystle, if needed.

CHIEF COMPLAINT: Crystle Davis is a 13 year-old adolescent female who reports that there is current CPS involvement. She notes that she is being evaluated because "they might think I'm crazy. CPS became involved about two weeks ago. My sister went to the hospital because she was having seizures. He (father) wouldn't say they could treat her. He don't like hospitals. My daddy is usually abusive to me: yells, screams, and calls me every word in the book - slut, bitch, whore, no good, and worthless. He repeats it over and over, daily. I'm afraid of my father when he is angry. He's like a toddler, running and screaming, and throwing a temper tantrum basically. One time he pushed me down and I fell. One time he drug me out to the car by my hair and had me sit there for a while. He hit me with a fly swatter five times on my back. He left bruises with the fly swatter. There was a big welt on my head from the hair-pulling. The physical abuse occurs about once a month. Sometimes he punches me on the arm. I put my hands up over my head." Crystle reports the presence of intrusive recollections. She reports the presence of triggers. She reports an increase in heart rate when frightened. Crystle also reports an increase in autonomic arousal secondary to triggers. She adds that she hyperventilates. Crystle notes that she is fearful, anxious, and concerned about safety. She notes that her father has been verbally abusive "since I can remember. He blows up daily."

Crystle denies a history of sexual abuse as a child. She denies that she has been touched inappropriately.

Crystle does report a history of physical abuse, as noted. She states, "He broke my mirror. It was huge. It was one time. He broke a coffee table. He slammed something down on it. He ripped off my door and my sister's door. He throws things. He hits things. He punches holes in the hallway. Maybe five times he's punched holes. He is unstable and angry." Crystle reports posttraumatic stress symptoms secondary to the physical abuse. Crystle notes that she is distressed about the circumstances within her home. She explains that she has no wish to return home. She adds that she does not want to ever return home.



11/17/2017 10:34 4682479

BARNES

Child Behavior Checklist: Respondent-Foster Mother:

<u>Elevations at the 95th Percentile</u>	<u>Elevations at the 98th Percentile</u>
None	None

INTERPRETATION OF TEST RESULTS: Intellectually, Crystle is functioning on the very upper end of the Average Range. She is a bright individual with good intellectual capacity. She possesses the necessary intellectual ability to make use of clinical services and to be a reliable informant.

Academically, Crystle is functioning within the Average Range in basic skills. Both her reading and math scores fall within the Average Range. She is reading at a 7.5 grade level and completing math at a 6.9 grade level. There are no apparent indications of learning disabilities in reading or math.

Crystle achieved a standard score of 101 on the Developmental Test of Visual-Motor Integration. This score falls within the Average Range and reflects intact visual-motor integration skills. There are no apparent indications of gross neuropsychological deficits or severe organic impairment.

Emotionally, according to the Child Behavior Checklist that was completed by Crystle's foster mother, suggests that she perceives that Crystle is making a stable adjustment. There were no clinical elevations on this measure at either the 95th or 98th percentiles.

Emotionally, Crystle appears to be moderately distressed. The data is very consistent with the history provided. There are clear indications of anxiety and depression, likely in response to emotional trauma within the home environment. Crystle notes on the House-Tree-Person that the human figure is a super hero with big arms. Such responses are characteristic of individuals who have been exposed to trauma and wish to protect themselves. Crystle also notes that a bad guy has hurt the human figure. Her drawing of a tree depicts a Willow tree, an indication of dysphoria. Crystle notes that the tree has been hurt. Part of the tree is dead. Termites ate the tree. Crystle depicts the presence of windy weather in her drawings, an indication of stress. Crystle notes on the House-Tree-Person that she would like to live with a friend in the house that she drew, not her family. Likewise, her drawing of a house depicts a door without a doorknob, suggesting limited access. On the Incomplete Sentences she states, "What I want more than anything is...for my life to change," "My daddy is...a jerk," "I sure wish my father would...change completely," "I like my father but...he's verbally abusive," and "My family treats me like...crap." One of her three wishes is to choose her life. TAT stories also depict themes of distress. One story describes a main character named Henry. He went to a yard sale. He purchased a violin. It is a little broken. He painted it. Now he feels confused because he does not know how to play the violin. He does not know how. He gives the violin away. Another story describes a girl named Anna. She lives in the 1700s. She wanted to learn. They want her to be a farmer. They do not agree. She decides to leave and have a better life. The mother is disappointed. The brother is sad. The main character is sad. Another story describes a main character that went to jail. It is an insane asylum. She is concerned. She is so depressed that she is crippled by her

Crystle notes that she feels sad and depressed due to the problems at home (tearful). She denies a history of suicidal ideation, suicidal gestures, and self-abusive behavior. Crystle denies that she feels hopeless and helpless. She reports low self-esteem but denies that she feels useless or worthless. She reports occasional guilt. She also reports an occasional sense of impending doom. Crystle notes that she is having crying spells once a month. Crystle notes that her appetite is good. Her sleep is good. She adds that her energy is good. Crystle notes that her memory is great. She has occasional difficulty concentrating and is occasionally distracted.

Crystle denies a history of behavioral difficulties. She notes that she is occasionally late to class. Otherwise, she denies a history of acting out. She denies a history of physical fighting, vandalism, destruction of property, playing with matches, setting fires, and teasing/cruelty to animals. She also denies a history of stealing, gang involvement, running away from home, sneaking out at night, and school truancy.

Crystle denies a history of alcohol use. She categorically denies a history of all alcohol experimentation and use.

Crystle denies a history of drug use. She categorically denies a history of all drug experimentation and use.

Crystle's foster mother notes that Crystle was placed with them on Wednesday, October 25th. She notes that Crystle is making a stable adjustment. She notes that Crystle likes to spend time with her friends. She also would like to visit Ruth, an adult friend. There are no reported indications of suicidal ideation, suicidal gestures, or self-abusive behavior. Crystle's foster mother notes that her appetite is good. She is uncertain regarding her Crystle's patterns. She denies having any specific issues or concerns about Crystle. She notes that she is well behaved and has been compliant since placed with them.

DEVELOPMENTAL/PERSONAL HISTORY: Crystle notes, to the best of her knowledge, that her mother did not experience any significant complications with her during the pregnancy or at the time of delivery. Her mother reportedly smoked cigarettes during the pregnancy. Crystle is reported to have progressed through the developmental milestones within normal limits. There is no reported history of enuresis or encopresis.

Crystle previously had been living with her father, Rodney Davis, age 63. Her sister, Misty Davis, age 17, is now living with her boyfriend. She reportedly experienced the same kinds of events while living with their father. Crystle's father reportedly is disabled. Crystle notes that he has been disabled for a long time. She notes that she cannot remember him working. Crystle notes that she is in the 8th grade. She is in regular education classes. She takes 9th grade health.

11/17/2017 10:34

4682479

BARNES

PAGE 83 of 132

MEDICAL HISTORY: Crystle reportedly fractured her left femur in the 3rd grade. She has no other history of serious injuries, loss of consciousness, or seizures. She had surgery on her leg. She has no other history of surgery. Crystle has no history of serious illnesses. She was hospitalized for a week with the leg injury. She denies a history of other overnight hospitalizations.

Crystle denies a previous history of psychiatric evaluation and treatment. She is not participating in counseling. She believes that there is an undiagnosed family history of psychiatric difficulties, specifically with her father. She notes that there is a family history of alcoholism.

TESTS ADMINISTERED: Wechsler Abbreviated Scale of Intelligence - 2nd Edition, Wide Range Achievement Test - 4th Revision, Developmental Test of Visual-Motor Integration - 6th Revision, Child Behavior Checklist: Respondent-Foster Mother, Thematic Apperception Test, Incomplete Sentences, House-Tree-Person with Protocol, and Kinetic Family Drawing. Additionally, Crystle was interviewed; her foster mother was interviewed, and available records were reviewed.

TESTS OBSERVATIONS: Crystle presented for testing neatly groomed and attired. She is of average height and build. The nature and purpose of the psychological evaluation was discussed, the inherent limitations to confidentiality were reviewed, issues pertaining to evaluating multiple parties were discussed, and Crystle's conservator provided written consent for her to participate in the evaluation. She was cooperative, compliant, and readily engaged throughout the assessment process. She appeared to work diligently on the administered tests, and the results are therefore believed to be a valid indicator of her current functioning.

TEST RESULTS:

WASI-II Results:

<u>Verbal Tests</u>	<u>T Scores</u>	<u>Performance Tests</u>	<u>T Scores</u>
Vocabulary	63	Matrix	47

Full Scale IQ 109

Wide Range Achievement Test - 4th Revision:

<u>Academic Area</u>	<u>Standard Score</u>	<u>Grade Score</u>
Reading	100	7.5
Math	97	6.9

Developmental Test of Visual-Motor Integration:

<u>Standard Score</u>	<u>Percentile</u>
101	53 rd

11/17/2017 10:34

4682479

BARNES

PAGE 84

depression. She cannot get up. She fell to the side and she is just lying there. She is depressed. Another story describes this man who just killed his wife. He is feeling bad. He is walking away. He murdered her. He feels guilty. He gets caught. She is dead. Another story describes the main character who is looking out a window. He decides that the only way to get out of these issues is to leave. He is wondering what will happen to him. He feels longing and sadness. He leaves and has a successful life. Crystle is distressed. She has been exposed to verbal abuse. The emotional abuse has created emotional injury. There are clear indications of depression and posttraumatic stress.

Crystle's reality testing appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

CONCLUSIONS: Crystle Davis is a 13 year-old adolescent female whose intellectual functioning falls within the Average Range. She possesses good intellectual capacity. She possesses the necessary intellectual ability to make use of clinical services. Crystle's academic achievement in basic skills falls within the Average Range. Both her reading and math scores fall within the Average Range. There are no apparent indications of learning disabilities in reading or math. Crystle's visual-motor integration, capacities appear to be intact. There are no apparent indications of gross neuropsychological deficits or severe organic impairment. Her reality testing also appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

Emotionally, Crystle appears to be moderately distressed. The data suggests that she is anxious and depressed. She is worried about her safety. She is concerned about the ongoing problems that have occurred within her home. She shows clear indications of posttraumatic stress and recurrent depression secondary to emotional within the home environment. There are clear indications of emotional injury in the data. Crystle is having a difficult time. She appears to be an appropriate adolescent. She finds the circumstances in her home with her father to be disconcerting, hurtful, and harmful.

DIAGNOSTIC IMPRESSIONS:

Axis I: Post Traumatic Stress Disorder
Depression, NOS
Emotional Abuse of a Child

Axis II: No diagnosis

RECOMMENDATIONS:

1. Continued placement is indicated.
2. Individual therapy services are recommended. Crystle needs an opportunity to process and work through the trauma to which she has been exposed.
3. The appropriateness of visitation with her father is deferred to her individual therapist.
4. The need for psychotropic medication also is deferred to her individual therapist.

Thank you for the opportunity to have participated in this individual's evaluation.

Sincerely,



Byron D. Barnes, Ph.D.
Licensed Psychologist

COPY X(4)

Well alot has happened first off I didn't end up going to Ohio instead im being home schooled for Cardale yeah! ~~for~~

& there is NO cool people i am going to a feature tomorrow w/Floyd (1) I can't wait he's my best friend & maybe we feels something more but I kinda do but I can't cause he's to good of a friend but you never know so wait until tomorrow!

Well Floyd came & me in him had a romantic time on the fair/petting zoo he bought me a pumpkin & I named it Floyd's egg more cause then we went to dinner & we sat at the place corner & when my dad was talking we lie in walk on the road & then he looked ^{up} & said me Me Floyd & I said Kno ^{up} At that with I said I know what he was saying

COPY (Oct 18) crs at RUTH house
X (4) SAME DAY

V
5) Me & the son are fashion designers
No. Soke... HOW DID THIS HAPPEN

6) Ruth has been filing out emergency
Pension papers so I can live w/
her

7) I'm gonna win this custom contest
CHURCH HALLOWEEN PARTY

8) I got Insurgent (11) can't wait
to read it. SOME STORY

9) After buying Ruth I figured out
I miss judged her If your reading
this I'm so sorry your the best mother
I'll ever have & I hope you don't feel that
ever

10) I have to go to a Support group
with F. have mixed feelings a
bunch

11) My sisters coming back year! (that
was definitely Sarcasm)!

→ BEEN BACK!

Now thanks to the lil bitch I am

1) leaving all my friends

2) leaving the state

3) leaving behind Liam, Cameron, Jordan, Kaleb, Other Caren
my Sister, my teachers, & everyone i've ever known

I'm moving in with mary lynn who BTW
in Ohio  & my going away party's te

OK

SAT SON'S AWAY PARTY

CRYSTLE WENT TO DUCK HORN WITH ✓

ALEXAS CALL ^{MELISSA} MOM TO PIC UP ✓ SICK OF F

LAWREN MAD - NO FIRE 102° NO BS

↓ JENNIFER

MOM PU LAR

CALL HER A LITTLE BITCH

I woke up got ready (which took about 5 hours)

- 1) Brushing Mr. Carter means my teeth
- 2) Brushing my hair
- 3) Straighten my hair
- 4) Put eyeliner & mascara on

Then after that I got dressed
locked stamping & get in the car & we
drive the long way open a idea
~~Popcorn~~ In my hand & asked my
father if we could pick up

Brie he said ok so we drove there
& picked her up then went to a Tram
& it was AWESOME I saw a puppet show &
went on a AWESOME hay ride & spent
the whole day being a kid again
we went to a park & played etc
& BUNCH OF Candy & then we ate
dinner & I had to let my bestie in
the whole ride we'd go & there come
home & had fun at my mom's party
where I put in a lot of really fun best
I know its stupid but its been 20 years
& now I acted for the 3rd time
in curtain w/ Ruth so we go to bed
& we are going to church

ORDER AFTER PRELIMINARY HEARING (CHILD PROTECTIVE PROCEEDINGS) (9/16) Page 5
ORDER ____ OF ____

Case No. 17000069-NA

THE COURT ORDERS THE PETITIONER/DHHS TO PROVIDE NOTICE OF EACH HEARING PURSUANT TO MCR 3.921 TO THE FOLLOWING PERSONS: THE FOSTER PARENTS, PRE-ADOPTIVE PARENTS, AND RELATIVE CAREGIVERS OF A CHILD IN FOSTER CARE UNDER THE RESPONSIBILITY OF THE STATE, AND FOR ANY INDIAN CHILD, THE CHILD'S TRIBE AND, IF THE TRIBE IS UNKNOWN, THE SECRETARY OF THE INTERIOR, AND THE CHILD'S PARENTS OR INDIAN CUSTODY, AND IF UNKNOWN, THE SECRETARY OF THE INTERIOR.

PLACEMENT AT DHHS DISCRETION. FATHER MAY HAVE WRITTEN OR TELEPHONE COMMUNICATION WITH CHILD AT DHHS DISCRETION.

FATHER NOT TO DISCUSS CASE WITH MOTHER, AT MOTHER'S REQUEST.

HUSBAND

WIFE LIFE LAWYER

Recommended by:

Referee Signature

Date

1-21-17

JUDGE MARCY A. KLAUS

59564
Bar No.

Marcy A. Klaus

02/27/2018 12:35 4682479

BARNES

PAGE 03/18

3/18

EXAMINATION AUTHORIZATION/INVOICE FOR SERVICES

B. STATE OF MICHIGAN DEPARTMENT OF HUMAN SERVICES LOCAL OFFICE ADDRESS

G. PROVIDER/VENDOR ADDRESS

BYRON D. BARNES PH.D.
520 CEDAR ST.

CADILLAC MI 49601

1. INVOICE NUMBER
2. Canceled/Void Invoice <input type="checkbox"/>
3. Missed Appt. (not paid) <input type="checkbox"/>
4. Date of Service (Authorization Date)

7. INSTRUCTIONS TO PROVIDER/VENDOR: Notify DHS at once if patient(s) fail to appear. Missed appointments and unauthorized tests will not be covered. Retain a copy of this invoice, with the invoice number in item 1, for payment reconciliation. Provider/Vendor completes item 13 for no more than 2 different services for the patient indicated. A separate invoice must be completed if more than 2 services are needed or if services for a patient differ from those indicated in item 10. Provider/Vendor may also enter the Patient Account number in item 14 for each patient. Amounts billed for the items listed in item 10 must be the lower of either the DHS Fee Schedule Maximum, item 12 (page 2), or your usual, customary and reasonable charge for the service.

I certify the goods/services shown below were provided and that I did not and will not make any charge or accept any payment from the client or his family for the services provided on this authorization. I further certify that all services were rendered without regard to any individual or group because of race, sex, religion, age, national origin, color, marital status, political beliefs or disability. Return signed Provider/Vendor invoice with the DHS-93, or the signed DHS-93, with your return to the address in item 5 above.

H. PROVIDER/VENDOR TO COMPLETE

a. FE ID No. Do not use Provider No.	b. Soc. Sec. No. Do not use Provider No.	c. MAIN Mail Code	d. Provider/Vendor Phone Number 231 429 3757
--------------------------------------	--	-------------------	---

e. Payee Name corresponding to FE ID No (if other than above) f. Billing Address (if other than e above)

g. Provider/Vendor Signature <i>BOB</i>	h. Date Signed 2-25-18
---	------------------------

I. SERVICE WORKER TO COMPLETE (Patient/Recipient Information on next page)

a. Grantee Name (Client Name if not grantee)	b. Case Number	c. County	d. District	e. Section	f. Unit	g. Worker
--	----------------	-----------	-------------	------------	---------	-----------

h. Provider/Vendor Name	i. Provider/Vendor Number (not FE ID or SSN)
-------------------------	--

j. Service Worker Name	k. Service Worker Phone Number
------------------------	--------------------------------

L. DESCRIPTION OF SERVICES AUTHORIZED

a. Children's Foster Care (CFC), Child Protective Services (CPS), Juvenile Justice Services (JJS) and Preventive Services for Families (PSF)	<input type="checkbox"/> d. Medical Exam Report Completed from Existing Records
<input type="checkbox"/> Medical <input type="checkbox"/> Psychiatric <input type="checkbox"/> Substance Abuse Screening and Assessment	<input type="checkbox"/> APS <input type="checkbox"/> CFC <input checked="" type="checkbox"/> CPS
<input type="checkbox"/> Child Sexual Abuse Exam <input type="checkbox"/> JJS Blood Drawing for DNA Gene Coding	<input type="checkbox"/> JJS <input type="checkbox"/> PFS
<input type="checkbox"/> Psychological <input type="checkbox"/> CPS Second Opinion	<input type="checkbox"/> Other (Specify below) <input type="checkbox"/> APS <input type="checkbox"/> CFC <input type="checkbox"/> CPS

Explain:

b. <input type="checkbox"/> APS <input type="checkbox"/> CFC <input checked="" type="checkbox"/> CPS <input type="checkbox"/> JJS <input type="checkbox"/> PSF	<input type="checkbox"/> Photostat Copies of Existing Medical Records - VENDOR SPECIFY NUMBER OF COPIES
--	---

c. Adult Protective Services:	<input type="checkbox"/> Medical <input type="checkbox"/> Psychological <input type="checkbox"/> Geriatric Assessment
-------------------------------	---

11. Service Worker to complete upon return from Provider/Vendor

a. Service Worker Approval - Requested Reports Received <input type="checkbox"/> Yes	b. Date:
--	----------

c. Service Worker Signature	d. Date	e. Supervisor Signature	f. Date
-----------------------------	---------	-------------------------	---------

Department of Human Services (DHS) will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, height, weight, marital status, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.	AUTHORITY: P.A. 280 of 1939, Federal CFR, and 43 CFR. COMPLETION: Mandatory. PENALTY: Department is unable to pay for medical services and materials.
---	---

DISTRIBUTION:

Original to Provider/Vendor
Original to Local Fiscal Office after return from Provider/Vendor
Case Record Copy

EXAMINATION AUTHORIZATION/INVOICE FOR SERVICES

12. FEE SCHEDULE MAXIMUM						13. PROVIDER/VENDOR COMPLETES AMOUNT BILLED					
Service	Exceeds Fee Or	Yes	Service	Exceeds Fee Or	Yes	Service 1	Service 2				
1 Schedule Maximum	<input checked="" type="checkbox"/>		2 Schedule Maximum	<input type="checkbox"/>		\$ 500.00					
	<input type="checkbox"/>			<input type="checkbox"/>							

14. Patient/Recipient Information

Patient/Recipient 1			Patient/Recipient 2		
a. Patient/Recipient Name			b. Recipient ID Number		
c. Program Pay Code:			d. Invoice Number		
1.	2.	1.	2.	1.	2.

WHY DID THIS EXCEED FEE

RONAN \$350

WENDY SP SYK EVAL

SHE'S NOT SEEN FOR YRS

Wendy does appear to possess warm, nurturing feelings for her children. On the Incomplete Sentences she states, "I want to know...my kids are better," "I regret...leaving my children," "I suffer...not having my children," "I secretly...love to be with my kids," and "My greatest worry is...my children." It seems likely that Wendy has stayed away from these circumstances due to her fear and anxiety about the children's father. She reports a history of domestic violence. Her level of cognitive functioning likely places her in a vulnerable position and increases her risk for harm.

~~REVENGE TOWARD LIES CLOAKED BY BARE~~

Wendy's reality testing appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

~~RESTARTED BIPOLAR~~

~~CONCLUSIONS:~~ Wendy Davis is a 46 year-old woman whose intellectual functioning falls within the Mild Range of Mental Retardation. Her Verbal, Performance, and Full Scale IQs all fall within the Mild to Moderate Ranges of Mental Retardation. There are clear indications of cognitive impairment. These deficits likely negatively contribute to her ability to provide adequate care to children over time. Wendy's academic skills fall within the Mild Range of Mental Retardation as well. Her reading and math scores fall within the Mild Range of Mental Retardation. She is reading at a 3.2 grade level and completing math at a 2.7 grade level. These findings are consistent with cognitive impairment. Wendy's visual-motor integration capacities appear to be moderately impaired, consistent with cognitive impairment. Her visual-motor integration skills are impaired. Wendy's reality testing also appears to be intact. There are no apparent indications of a formal thought disorder or other specific psychotic processes.

Emotionally, Wendy appears to be moderately distressed. The data suggests that she is anxious, fearful, and concerned about her safety. She also experiences consequential depression secondary to the posttraumatic stress. She notes that she has been diagnosed with bipolar disorder. The data appears more consistent with a major depressive response. It would be prudent to follow her over time. She has found the medication she is taking to be helpful. It would be beneficial for her to continue on those medications. It seems likely that the recent CPS involvement and requirements that she interact with the children's father has exacerbated or triggered an increase in posttraumatic stress symptoms. She reports a significant history of domestic violence while living with Rodney. She is clearly afraid of him. She is concerned about her safety. She very well may have stayed away from her children due to this fearfulness.

DIAGNOSTIC IMPRESSIONS:

Axis I: Post Traumatic Stress Disorder: Chronic
Major Depression - Recurrent - Moderate
R/O Bipolar Disorder, Type II

Axis II: Mild Mental Retardation

SIGN CONSENT FOR CRY DRUGS

ATTORNEY

STATE OF MICHIGAN
COUNTY OF CLARE
55TH CIRCUIT COURT-FAMILY DIVISION

IN THE MATTER OF:
Davis, Crystal 01/22/2004

Hon. Marcy A. Klaus
17-069-NA

Eilisia Schwarz (P66350)
Clare County Chief Assistant Prosecutor
225 W. Main Street, P.O. Box 586
Harrison, MI 48625
989-539-9831

Clare County 55th Circuit Court
Family Division
225 W. Main Street PO Box 96
Harrison, Michigan 48625
989-539-7109

Karyn Tomczyk (P76403)
PO Box 362
Gladwin, Michigan 48624
989-426-8535
Attomeytomczyk@gamail.com

Annette Howe (P67491)
PO Box 3
Beaverton, Michigan 48612
989-429-7218
annettehowe@sbcglobal.net

Ravi Gurumurthy (P78368)
PO Box 1014
Cadillac, Michigan 49601
231-577-4822
ravi@michiganlawnorth.com

3/6/18
DAY/20

PROOF OF SERVICE

STATE OF MICHIGAN)
) ss
COUNTY OF CLARE)

Dusty D Merritt, being duly sworn, deposes and says that she is the secretary for Clare County Chief Assistant Prosecuting Attorney, Eilisia Schwarz, and that on or about the 6th day of March 2018, she personally served a copy of the Psychological Evaluation for Wendy and the Court Report dated 03-05-2018 by email to the above email address for the Attorney of record on this case from my email merrittd@clareco.mt and personally served a copy to the 55th Circuit Court Family-Division.

DATED: March 6, 2018

Dusty D. Merritt

(E) WHAT
JUDGE SAID NO
NOT PROPER



FAMILY TEAM MEETING REPORT
Michigan Department of Health and Human Services

Demographics

Case Name: <i>Davis, Rodney</i>	Case ID:	Special Needs: <input type="checkbox"/> YES <input type="checkbox"/> No Please Describe Special Needs:
Race/Ethnicity: Choose an item.	Native American Affiliation: <input type="checkbox"/> Yes <input type="checkbox"/> No Tribe:	
Youth's Name and Child(ren)'s Person ID#:	Youth's DOB: Is youth YAVFC? <input type="checkbox"/> YES <input type="checkbox"/> No	Is Youth placed in residential: <input type="checkbox"/> YES <input type="checkbox"/> No
Case Opening Date:	Initial Removal Date:	Security Needs: <input type="checkbox"/> YES <input type="checkbox"/> No Please Describe Security Needs:
Initial Petition Date:	Mandatory Petition: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Worker Name:	Worker Phone Number:	Worker Load Number:

FTM Information

Date/Time FTM request initiated: <i>11/3/17 1pm</i>	Date of Pre-Meeting Discussion:	Facilitated by Case Manager: <input type="checkbox"/> YES <input type="checkbox"/> No If no, name of facilitator:
Suggested meeting date/time:	Date Meeting Scheduled:	If meeting is facilitated by someone other than the Case Manager, please document justification here:
Meeting Location: Choose an item. Identify Other location:	Location Address:	Signature of supervisor approving another facilitator:
FTM Type 1: Choose an item.	FTM Type 2 Choose an item.	FTM Type 3 Choose an item.
Agenda Items as Identified at the Pre-Meeting Discussion: <i>Services - Psych eval, parenting time, ODD print conversations during visits, Strengths, Funding for work, DHS 120 Native paperwork, trauma checklist</i>		
Participants as identified at the Pre-Meeting Discussion: <i>[Handwritten signatures]</i>		

FAMILY TEAM MEETING REPORT
Michigan Department of Health and Human Services

Case Name:	DAVIS, Rodney	Case ID:	Date & time of FTM:
			11/3/17 3:00pm

Families / Youth Strengths: Rodney, DAVIS, loves his children, tight knit family, receives income from work

Family / Youth Needs	Action Steps	Time Frame	Person (s) Responsible
	(1) The DCF will speak with Rodney and confirm his rights to determine what custody levels he wants.	Today 11/3/17	DHHS, DCF
	(2) Rodney can meet with attorney about visiting levels.		
	(1) Set up visit by week - Needs to regain authority over the children - DCF needs to do transcription assistance to DCF - DCF will confirm visit	Week 11/8 4pm	Micheal Family
	- DCF will confirm visit with call Monday to confirm visit		DFP will Contact Rodney Mon 11/6pm
Services	- Psych eval to determine needs - Rodney will get a psych eval		Rodney, Deft.
	+ he can go w/ his own choice, but at his own cost. The Deft. will pay if Rodney agrees to use Dr. Barnes for the evaluation		



WEIDMAN CLINIC

3520 North Woodruff Road
P.O. Box 36
Weidman, Michigan
48893

tel (989) 644 3329
fax (989) 644 3724

mclaren.org

June 15, 2018

To Whom It May Concern:

Rodney Davis is under my primary care. He continues to have problems with uncontrolled hypertension. He does not believe his blood pressure will improve until the court case is resolved. In my opinion, any stressful situation has the potential to adversely affect his blood pressure.

Sincerely,

A handwritten signature in black ink, appearing to read "Beatty, PA-C".

Jean Beatty, PA-C

**RESPONDENT'S
EXHIBIT**

RFX3
21.1.19 SJP



McLaren Central - Weidman Clinic
3520 N Woodruff, PO Box 36
Weidman, MI 48893
(989) 644-3329

RODNEY DAVIS
9852 CADILLAC DR
LAKE, MI 48632

PH: (989) 339-6488

MRN: 920981

DOB: 01/15/1954

DOS: Jun 6 2018 8:00AM

Chief Complaint

Pt was late for his appt today, he asked that I check his BP I did so It was 200/110 on the left arm and 198/120 Rt arm, Spoke with Jean Beatty PAC. She stated he needs to increase his Atenolol to 50 mg daily and she sent in another RX of lisinopril. Instructed him he must take his meds and reschedule another appt to see Jean Beatty to address his Blood pressure issues. K K.

Active Problems

1. Head lice (132.0) (B85.0)
 - Assessed By: Jennings, Martin (Family Medicine); Last Assessed: 29 Jul 2016
2. Hypertension (401.9) (I10)
 - Assessed By: Beatty, Jean (Family Medicine); Last Assessed: 01 May 2018
3. Seasonal allergic rhinitis, unspecified trigger (477.9) (J30.2)
4. Social problem (V62.9) (Z65.9)
 - Assessed By: Beatty, Jean (Family Medicine); Last Assessed: 03 May 2018

Allergies

1. No Known Drug Allergies

End of Encounter Meds

Medication Name

Atenolol 25 MG Oral Tablet ↑ to 2 pills TAKE 1 TABLET DAILY.
RA Loratadine 10 MG Oral Tablet daily TAKE 1 TABLET DAILY.

Instruction

Signatures

Electronically signed by : Kolette Korman, MA; Jun 6 2018 9:14AM EST (Author)

RODNEY E. DAVIS
920981

Oct 3 2017

To whom it may concern

I Rod Davis permission for
my daughter Chastie to home
School to at Ruth Neidman
house at 1404 Jefferson Street
Cadillac MI 49601

Signed

Rod Davis 10/3/17



Client's Name: Rodney Davis

Date of Birth: 01.15.54

Date of Assessment: 01.16.18 & 01.18.18

Date of Report: 01.31.18

PSYCHOLOGICAL EVALUATION

HISTORY OF ILLNESS

Complaints and Symptoms

Mr. Davis is a 64-year-old male who drove to the evaluation today. When asked the reason for the evaluation today he stated, "To show that I am able to care for children that I have been caring for, for the past eighteen years. CPS gave me a choice to either go to theirs [for an evaluation] and they would pay for it. But if I went to anywhere else I would have to pay for it. They want to know if I have serious mental health issues. I decided to go somewhere else". He was informed that the information he provided could be used to help adjudicated the court proceedings.

Treatment and Medications

Mr. Davis denied a history of medical hospitalization. He denied a history of outpatient surgery. He denied a history of psychiatric hospitalizations. He denied a history of receiving outpatient mental health services, but reported having undergone two prior psychological evaluations to determine his ability to function as a parent. He denied a history of substance abuse. His last physical examination was in 2016. Current health related concerns were reported as ankle pain, chronic ear infections, high blood pressure, hip pain, knee pain, multiple sclerosis, shoulder pain, and a torn rotor cuff. Using a ten-point scale he rated his typical pain as a "five", with fluctuations to a "ten" whenever he is required to walk more than 500 feet or climb stairs. He denied using any prescription medications.

Personal History

Mr. Davis was born in Ypsilanti and raised in Dearborn Heights, Michigan. He described his childhood as, "normal." He described his father as physically abusive, but when asked he noted that his father was never reported for physical abuse. He denied a history of alcohol abuse by his parents. He reported placement in regular education classes until he discontinued his schooling in the twelfth grade (1972). He obtained his high school diploma in 1984. He obtained a CDL license in 1977 and a heavy equipment operator license in 1997. He married in 1998, had two children (1999 – Misty Dawn Davis & 2004 – Crystle Eve Davis), and separated around 2008. He described his marriage as difficult stating, "I married a woman who had mental retardation. I didn't know that at the time, and she didn't appear to have those issues". He reported having approximately ten jobs in the past, with the longest being when he was self-employed remodeling homes (1988 to 2005). He was placed on Social Security Disability in 2007 following a job-related accident. He went on to note, "My attorney sewed the company and I got

R. Davis 2

an award of approximately one-hundred-and-fifty thousand dollars. He reported a past conviction for jostling (2009).

Social Functioning

Mr. Davis lives with his eldest daughter in a home that he owns. Social Security Disability payments and benefits his daughter receives through his disability claim help to fund the home. A Bridge card helps to defray the cost of food. He described his relationship with his eldest daughter as "good". He went on to note, "She now has a boyfriend who she spends a lot of her time with. She has been dating him for a couple of years". He described his relationship with his youngest daughter by stating, "We had an outstanding relationship until she started acting out in school- she had ten write-ups in seven days. She was taken from my home on October 25th because she had so many write-ups and she was thrown off the bus so she couldn't get to school. I had planned to transition her schooling to Ohio where she would live with some friends of mine. Instead we had her home schooled with the daughter of my preacher [Ruth Nordman]. The daughter of the preacher lived in Cadillac. She (Ruth Nordman) subsequently filed papers for custody, and Crystle decided to live permanently with Ruth. I went up to get her. We left and I brought her home. She [daughter] was very upset- we had an argument. Two days later she left and went back to live with Ruth. CPS and Ruth came to my home for a meeting. CPS wanted to take her to mental health and stated that they would pay the cost. They gave me two weeks to arrange for her treatment, but wound up taking her seven days later. She has been in foster care since that time". When asked about his relationship with his family of origin he went on to report no contact in the past five years with his one remaining sibling. He reported having approximately five close personal friends that he interacts with on a regular basis.

Past and Present Interests

He described his current interests by stating, "Pursuing every avenue there is to get my child back". He described past interests by stating, "I used to like fishing, camping, and hiking with my children. We hunt but we just don't kill. I worked as a meteorologist for WSDS in Ypsilanti, and I really enjoyed that". He explained that he still has interests in all these activities, but that he no longer engages in them because, "They took my daughter".

Daily Activities

When asked what he does on a typical day he replied, "I usually get up at 4:00 am. I make some coffee and turn on the radio, I usually do the dishes. Then I get the girls up for school and cook breakfast. They get on the bus between 6:15 and 6:30 am. After they get on the bus I have some coffee and relax. I listen to the radio until it gets light out. Then I go outside and work on the house. I've been working on the house quite a bit. I might go fishing with some friends or by myself". He denied engaging in any additional morning activities. He reported that he rarely has lunch. He described afternoon activities by stating, "I usually work on the house until about 2:00 pm. Then I start preparing dinner for the kids. They get home around 3:40 pm. Usually we have supper right away." He described evening activities by stating, "I usually ride my wheel chair out in the property where we have a sanctuary for wild game- particularly woodcocks. We can stay out there until dark. Then we might eat some more or sit and watch TV. They do their homework and chores, and then they shower. They usually are in bed at 10:00 pm, with electronics turned off by 11:00 pm." He reported retiring for the evening around midnight. He denied any significant sleep related concerns but went on to note "Sometimes I wake up in pain

R. Davis 3

and have to take Ibuprofen". He reported that he typically feels rested upon awakening. He reported being able to complete all household chores. He reported being able shop independently and make change.

GENERAL OBSERVATIONS

He arrived on time for the session. His weight was reported as 280 pounds and height was reported as 72 inches. Posture and personal hygiene were unremarkable. He walked with a limp due to hip and foot pain. His interpersonal style was best described as self-focused.

Behavior and Attitude

At the time of the evaluation he was in contact with reality. When asked how he felt about himself he replied, "In general I feel that I have many talents. I'm Native American and I try to do things related to that heritage. I try to teach my daughters Native American ways, I've raised two daughters on my own for eighteen years. I did a good job".

Stream of Mental Activity

In general, his responses were organized and pertinent. At times he became pedantic and focused on minutia.

Mental Trend and Thought Content

He denied any current or past auditory or visual hallucinations. He denied any obsessions, persecutions, or perceptions of possessing unusual powers. He denied any suicidal ideation. He denied any clinically significant sleep related concerns.

Emotional Reaction

His emotional reaction can best be described as distressed. When asked how he was feeling he stated, "I feel great when I don't think about my child being detained, but when I think about my child being detained I feel terrible".

SENSORIUM AND MENTAL CAPACITY

Orientation

He was oriented to person, place, and time.

Immediate Memory

He was able to recall seven digits forward and five digits backward.

Recent Memory

He was able to recall three out three objects after a five-minute interval.

Past Memory

He named the current president of the United States as "Trump." When asked to name the three most recent past presidents of the United States he stated, "Obama, Bush, & Clinton." He recalled his birthday.

R. Davis 4

Information

When asked to name five large cities he responded, "New York, LA, Chicago, Huston, & Detroit". When asked to name some currently famous people he replied, "Eminem & Rosanne". When asked to name some current events he responded, "I don't watch TV; I listen to the radio. The past damage of hurricanes and 'The Wall'. Lake Michigan and Lake Huron are up about a foot. There are attacks against the president over his communications with the Russians."

Calculation

He was able to count backward from 100 by threes. He correctly answered three out of four single digit calculations, " $9+8=17$, $12-7=5$, $8\times 7=48$, & $9/3=3$ ".

Abstract Thinking

When asked the meaning of the saying, 'the grass isn't always greener on the other side of the fence' he replied, "Things aren't always better when you change your position". When asked the meaning of the saying, 'don't cry over spilled milk' he replied, "What's lost is lost".

Similarities and Differences

When asked how a bush and tree are alike he replied, "They both have roots and leaves, and they need sunshine". When asked how they are different he replied, "A bush tends to be a smaller plant".

Judgment

When asked what he would do if he found a stamped, addressed envelope lying on the sidewalk he replied, "I'd probably pick it up and read it- if it was an advertisement I'd probably throw it away. If it was to a person I'd drop it in the mailbox or the post office". When asked what he would do if he discovered smoke or fire in a theatre he responded, "If it was with my family I'd tell them we need to find an exit. As we get to the exit I would scream fire". When asked about plans he noted, "I want to educate my daughter to be a marine biologist. I want to help both my daughters graduate from college. I have already deeded the property and my home to them so they will have a place to live."

ADDITIONAL INFORMATION

No relevant additional information was available.

TEST RESULTS

General Observations

He appeared motivated to complete the testing and the results are likely to reflect his current level of functioning.

Intellectual Functioning

He was administered the Wechsler Adult Intelligence Scale, Fourth Edition (WAIS) to assess his current level of cognitive functioning. The average or typical score on the composite indices is 100. He obtained the following composite scores: Verbal Comprehension = 91; Perceptual Reasoning = 105; Working Memory = 95; and Processing Speed = 92. Mr. Davis's Full Scale IQ score of 95 resulted in a percentile rank of 37. The average or typical subtest score is a 10. He obtained the following subtest scores:

	<u>SCORES</u>
<u>Verbal Comprehension</u>	
Similarities	09
Vocabulary	07
Information	09
<u>Perceptual Reasoning</u>	
Block Design	12
Matrix Reasoning	09
Visual Puzzles	11
<u>Working Memory</u>	
Digit Span	10
Arithmetic	08
<u>Processing Speed</u>	
Symbol Search	10
Coding	07

Psychiatric Symptoms

Mr. Davis completed the *Minnesota Multiphasic Personality Inventory, second edition* (MMPI). The MMPI is a 567-item self-report measure of psychiatric symptoms. Although this profile was within valid limits, Mr. Davis presented himself in a positive light- attempting to show that he has few psychological problems. This pattern suggests a need to project a good image, high moral values, good self-control, and freedom from psychological problems or human weakness.

Overall Profile

His clinical profile was within normal limits. No clinical symptoms were reported. The overall profile suggest that he has a rather limited range of interests and tends to prefer stereotyped masculine activities over literary and artistic pursuits or introspective experiences.

Interpersonal Style

He presented as outgoing and sociable, he reported a strong need to be around others. He is likely to be viewed by others as gregarious and enjoys attention. Personality characteristics related to social extraversion tend to be stable over time and his sociable behavior is not likely to change if he is retested at a later time. In terms of close interpersonal relationships, at times he may be viewed as intolerant and insensitive, and others may find him rather narrow-minded.

Critical Items

Mr. Davis endorsed several critical items that are not diagnostic, but can be useful in understanding current concerns.

- No one cares much what happens to you. (True)
- I often wonder what hidden reason another person may have for doing something nice for me. (True)
- Most people make friends because friends are likely to be useful to them. (True)
- I seldom worry about my health. (False)

R. Davis 6

Parenting Stress

Parenting stress was assessed using the *Parenting Stress Index* – fourth edition (*PSI*). The *PSI* is often used to evaluate the parenting system and for identifying issues that may lead to problems in the child's or parent's behavior. While his daughter is somewhat older than the standard norms, it is suggested that the results provide a reasonable approximation of the stress he experienced caring for his daughter. The *PSI* employs T-Scores so an average of typical score is 50. The Defensive Responding index was in an acceptable range, indicating no obvious problems with defensiveness.

Indices	T-Scores
Child Domain	51
Parent Domain	48
Life Stress	44

The Child Domain assess for child characteristics that make it difficult for parents to fulfill their parenting role. The Parent Doman assesses for parental characteristics or dysfunctions that make it difficult to maintain the parent-child system. As can be seen from the scores listed above, no significant difficulties were reported with regard to child or parent characteristic's that would make it difficult to maintain the parent-child system.

CLINICAL IMPRESSION

Mr. Davis was seen at this clinic on three separate occasions to complete the testing. The results of the clinical interview and mental status examination failed to identify significant abnormalities in sensorium or mental capacity. His overall mannerism was best described as somewhat anxious, but cooperative. He denied a significant history of receiving personal psychiatric services, but did report having undergone two prior psychological evaluations to assess his ability to care for his children. Copies of these reports were not available. He reported current difficulties managing chronic pain and information gleaned during the mental status examination suggests that Mr. Davis is likely to meet a DSM 5 criteria for a diagnosis of 300.82 somatic symptoms disorder with predominant pain persistent moderate.

Mr. Davis demonstrated a level of cognitive functioning that was generally in the average range, with a significant strength on tasks that assessed perceptual reasoning ability. His performance on the MMPI was within normal limits, as was the amount of parenting stress he reported. No additional psychiatric diagnoses appear warranted at this time.

CONCLUSION

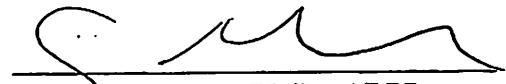
Based upon the clinical interview, mental status examination, and intellectual evaluation Mr. Davis appears to be of average intelligence with commensurate adaptive behaviors. Deficits in his adjustment to environmental demands appear to derive from chronic pain which he has managed for many years. It may be that participating in mental health service to learn more effective strategies for managing chronic pain might prove useful.

Mr. Davis was rather defensive on the measure of psychiatric symptoms; however, such a response style is not surprising given the possible negative consequences that could derive from this evaluation. The results of the MMPI are still considered to be valid and Mr. Davis did not

R. Davis 7

report clinically significant symptoms that would warrant the diagnosis of a formal psychiatric condition. Moreover, he also did not report significant distress related to caring for his youngest daughter.

Thank you for this interesting referral. Please contact me directly if questions arise.



George F. Ronan, Ph.D., ABPP
Director & Licensed Psychologist
License # 6301007695
Expiration Date: 8.31.18

EXHIBIT

FOR ALL

In the matter of Crystle Davis

File No. 17-069-NA

LGAL Court Report
for Court Hearing on August 21, 2018

1. With whom is the child currently placed? Is this a relative?

Crystle remains placed with a licensed, non-relative foster home in Clare County. Foster mom told me privately that she must provide Crystle constant supervision following her release from Safe-house care. Foster mom states she has requested assistance from DHHS, she is exhausted. I hope this does not compromise Crystle's foster placement.

2. Is the child current with all doctor and counselor appointments? If not, what is your recommendation?

Yes. LIE

3. What are the health concerns, or needs, that should be addressed?
None Noted.

4. What are the mental health needs of the child that should be addressed?
Needs are being met

5. Is the child regularly attending school and passing? Where? Grade level?
Crystle will be in 9th grade at Farwell High School.

6. Is parenting time established and being exercised? How often and for what duration?

Crystle states when she was in Safe-house, her mother called her "every day." Crystle states her mom calls her now about once a week. Crystle's comments about her mom's contacts appeared more as if telling me this to convince herself that someone cared about her. Crystle vacillated on whether talking to her mom was good or bad. Crystle's emotional state appears compromised displaying a smiling face but contradictory statements.

Crystle said her dad was "not permitted" to call her while in Safe-house. Father is not participating in parenting time parameters as previously ordered.

HEART ATACT

DIDN'T KNOW SHE WAS THERE

7. Additional information to be considered:

Crystle continues to request presence at the court hearings asserting that she is 14 years old. (Foster mom stated an Isabella Co. caseworker planted this idea in Crystle's head) I cannot support Crystle's presence in the courtroom at this time given her recent mental health episode(s).

→ LIE

DATE: August 21, 2018


 Annette K. Howe (P67491)
 Lawyer-Guardian Ad Litem
~~IMPORTANT~~
ISABELLACASE WORKERWHO?

CLARE CO.
ENTERPRISE
ULL AND MORE SUICIDE
SHE WANTED
TO TELL THE TRUTH!

CAN ONLY DO THIS
JER DAVIS DEMANDED

1 I've ordered it. And we're gonna go from there. Court's in
2
recess.

3 MR. GURUMURTHY: Thank you.

4 BAILIFF: All rise.

5 (At 10:26 a.m., matter is adjourned.)
6
7

8 STATE OF MICHIGAN)

9 COUNTY OF CLARE)

10
11 I certify that this transcript consisting of 17
12 pages is a complete, true, and correct transcript to the best
13 ⁷^o ~~NOT~~
of my ability of the dispositional hearing at the 55th Circuit
14 Court-Family Division, Clare County, on Tuesday, March 20,
15 2018.
16

17 This transcript is only certified if the signature
18 below is original.

19 Date: 11-11-18

20 
Josette Given CER 5277
21 55th Circuit Court-Family Division
22 225 West Main Street
23 P O Box 96
24 Harrison Michigan 48625
(989) 539-7109

guardians, or other custodians, or who is without proper custody or guardianship.

- b. Respondent father's home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent, guardian, non-parent adult, or other custodian, is an unfit place for the juvenile to live in.
3. MCR 2.115(B) states in relevant part "... the court may strike from a pleading redundant, immaterial, impertinent, scandalous, or indecent matter..."

4. That on or about November 8, 2017, this Court Ordered that Misty Davis be returned to the care and custody of her father, Rodney Davis.
*PURSUE BY J BARE AS A FOSTER HOME D
NO SCHOOL WAS FORCED TO LIVE WITH ACOL SEX CLAIRD B
ANOTHER WITNESS NOT SURVEYED BY J BARE BECAUSE BLACK EYE ↑*
5. That since the November 8, 2017 Preliminary Hearing, Misty Davis has been removed from the petition and returned to the care and custody of her father.
6. That paragraphs 9, 10, and 11 pertaining to Misty Davis shall be struck from the pleading as they are irrelevant.
*BUT STILL A WITNESS ON
SOPINA NOT SURVEYED BY RAUL OR JEN GALLE*

7. That paragraph 12 and 12 a-e [sic] is a statement that is conclusory and has no place in a fact-based petition. This allegation is vague, stale, and lacks specificity as to date, time, and location as to the current status of Respondent father's situation. In fact, DHHS's allegations in paragraph 11 date back to 2012 and 2013 and even if proven, DHHS fails to demonstrate that these actions pose a risk to the minor child in the current situation to the extent that this court take jurisdiction under MCL 712A. 2(b)(1)(2). In addition, it contains language that is hearsay. In a trial for jurisdiction, hearsay is not admissible and the wording in the Petition on its face would allow inadmissible hearsay into evidence. The allegations in this paragraph, even if proven, is insufficient for this court to take jurisdiction under MCL 712A. 2(b)(1)(2).

8. That paragraph 15 and 15 a-c [sic] is a statement that is conclusory and has no place in a fact-based petition. This allegation pursuant to MRE 403 is unfairly prejudicial that the probative value it presents. In addition, it contains language that is hearsay. In a trial for jurisdiction, hearsay is not admissible and the wording in the Petition on its face would allow inadmissible hearsay into evidence. The allegations in this paragraph, even if proven, is insufficient for this court to take jurisdiction under MCL 712A. 2(b)(1)(2). In *Haberkorn v Chrysler Corp.*, 210 Mich App 354, 533 NW2d 373 (1995) the trial court properly excluded

GALLOWAY LEGAL SERVICES, P.L.L.C.
JENNIFER M. GALLOWAY
ATTORNEY AT LAW
108 S. UNIVERSITY, SUITE 5
MT. PLEASANT, MICHIGAN 48858

TELEPHONE (989) 953-3532
TELEFAX (989) 953-3534

October 11, 2018

Rodney Davis
9852 West Cadillac Drive
Lake, MI 48632

RE: In the Matter of Crystle Davis
Clare Co. File 17-069-NA

Dear Mr. Davis,

Today we met in my office and discussed the case overall. We determined that the prosecutor has not yet filed the petition for termination of parental rights. When that is filed, the court will schedule a day for trial. The review hearing scheduled for November 14, 2018 is a review hearing and is not the date for the trial regarding your parental rights.

Also, I ordered the transcripts from February 22, 2018 and March 20, 2018 to determine what was said on the record that led the court to take jurisdiction in this case. As we discussed today, when I receive these transcripts, I will provide you a copy.

You also talked to me about witnesses that you had prepared back in February 2018. Please provide me a written list of the names, addresses, and telephone numbers of the witnesses you believe may be important to the facts of this case. Also, for each witness name, please provide me a written statement of what you believe each witness would testify about.

DID THIS

cc: File

GEORG
RONAN
ON THE
LIST

Sincerely,

Jennifer M. Galloway

SH
GALLOWAY
STC/P
D/D
NOTH/

NEVER
DID

NEVER DID

Case Worker: Beth Ulicki
Supervisor: Betsy Ulicki

8-15-18

8/15/18

SY415

Betsy Ulicki

Michigan Department of Health & Human Services (MDHHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to an MDHHS office in your area.

THIS IS JERAME BARE / BET ULLIKI
AND BIANKA HERNANDAZ / SLAMED A BLINE DOWN,
KNEW OF PURGARY SUPERVISOR PUT FEAR IN ME ON CARDS
WHO GOT JERRY UP SET LOT
WITH ME. TRYING TO COLECT ON PROMISE OF ON ICE IN PARKING LOT
\$ FUEL CARDS & GO. WANTED ME TOO TO ACCEPTED DHS
\$30 WAS NOT AMOUNT AGREED TO BY JERAME BARE
HAD TO SET RAUI TO PICKUP IN CADILLACK SPECIALIST
NO RAUI. SAME \$30 ON A DESK IN THE LOBBY
NOT RAUI OR HIS SECT ALL I ASA WAS WHERE'S
RAUI
THE WHOLE REASON AT HIS OFFICE 1 ITAD A
APPOINTMENT AT 3:00 PM RAUI NO SHOW//
//

Case # 17-069-NA

08/15/2018
PATP

Davis

Crystal Davis

	Name	Service	Provider	Process/Referral	Progress
1.	Crystle Davis	Education	Farwell Public School	Crystle will attend and complete all work assigned to complete classes.	Continued
2.	Crystle Davis	Mental Health PILLS TRY TO KILL HER BUSS	Dr. Byrcn Barnes SAID NOT A NORMAL ABUCE NEG P.T.S.D.	Complete a full psychological evaluation. Be open and honest with Dr. Barnes during the evaluation. Follow any and all recommendations from evaluation.	Completed PILLS CUTTER CHANG MED
3.	Crystle Davis	Mental Health MOTHER BIEF POLR	CMH or other appropriate counselling service	Participate in counseling services to address trauma BUS	Continued

WENDY BI POL
 SUSAN " "
 MOTHER
 CRYSTLE " "
 SUCCIDEX ④
 BRO M
 CYS E DIE
 UNCLE N DIE
 ATEMP T CUTTER
 SN AL

RONAN
 NEVER KNEW? ? ?
 ↓

Case # 17-069-NA

08/15/18

PATP

Davis

	Name	Service	Provider	Process/Referral	Progress
1.	Rodney Davis	Mental Health PSY ASS	Dr. Byron Barnes <u>NEUER</u> <u>RONAN & ASSOCIATES</u>	Complete a full psychological evaluation. Be open and honest with Dr. Barnes during the evaluation. RONAN If appointment needs to be rescheduled this will be done 24 hours in advance. Follow any and all recommendations from FIGHT evaluation. FIGHT	Refused <u>LIE</u> <u>HIRE</u> <u>P.J. JUDGE</u> <u>ENTERPRISE</u>
2.	Rodney Davis	Parenting Time <u>NO</u>	CMH VISIT CRYSTLE	Participate in all parenting times in accordance with MDHHS guidelines. <u>NO RELEASE TO RONAN</u>	Refused <u>LIE</u> <u>KNOW</u>
3.	Rodney Davis	Documentation	MDHHS	Sign all requested releases	Refused
4.	Rodney Davis	Parenting Skills	ACI or MMCCA	Participate in parenting education. Utilize skills learned from the parenting education during parenting time.	Refused <u>NOT</u>

18 YRS
EXPJER BARE WOULD NOT ENFORCE!
COURT ORDER!
CONTEMPTROD 63 YRS OLD
CRYSTLE 13 YRS OLD
EXP 18 YR MISTY 18 YRS OLD
HIGH SCHOOL GRAD JOB'S 3-4
ON HER OWN AT 19 YRS OLDTHIS
IS WHAT THE JUDGE WANTED / MY LIFE

TO KEEP HER ENTERPRISE PROFITABLE

100,000.00 TO DATE

STATE OF MICHIGAN
55TH CIRCUIT COURT-FAMILY DIVISION FOR CLARE COUNTY

IN RE:

CRYSTLE DAVIS (DOB 1/22/2004),
Minor.

HON. MARCY A. KLAUS
FILE NO. 17-069-NA

Eilisia G. Schwarz (P66350)
Clare County Chief Asst. Prosecuting Attorney
225 W. Main, P.O. Box 586
Harrison, Michigan 48625
(989) 539-9831
schwarze@clareco.net

Ravi Gurumurthy (P78368)
Attorney for Respondent Father
PO Box 1014
Cadillac, Michigan 49601
(231) 577-4822
Ravi@michiganlawnorth.com

Annette Howe (P67491)
LGAL for Minor, Crystle Davis
PO Box 3
Beaverton, Michigan 48612
(989) 429-7218
annettehowe@sbcglobal.net

Karyn Tomczyk (P76403)
Attorney for Respondent Mother
PO Box 362
Gladwin, Michigan 48624
(989) 426-8535
attorneytomczyk@gmail.com

**MOTION TO ALLOW DHHS TO GIVE CONSENT
FOR PSYCHOTROPIC MEDICATION**

NOW COMES, the Department of Health and Human Services (DHHS), by and through Eilisia G. Schwarz, Clare County Chief Assistant Prosecutor, and in support of its Ex Parte Motion to Allow DHHS to Give Consent for Psychotropic Medication, state as follows:

1. Crystle Davis a minor and a temporary court ward of this court in the above captioned case.
2. On April 9, 2018, Crystle was recently seen for a sports physical because she will be throwing shot putt in track at Mid-Michigan Health in Clare, Michigan.
3. Stacy Carstensen, PA examined Crystle for the sports physical.
4. At this appointment Crystle disclosed to Stacy Carstensen that she was cutting herself and thought about suicide.
5. Carstensen prescribed Zoloft 50mg daily.

Clare County Prosecuting Attorney
225 W. Main, P.O. Box 586
Harrison, Michigan 48625
Telephone: (989) 539-9831



6. Since the filing of the Ex parte motion to allow DHHS to Give Consent for Psychotropic Medication on April 20, 2018, Crystle Davis was sent home from school on April 25, 2018 due to her having suicidal issues.
7. On April 13, 2018, Carstensen followed up with DHHS about the medication status, and Carstensen was insistent that Crystle commence taking the Zoloft prescription immediately.
8. This treatment requires a signature and consent of the caregiver or parent.
9. DHHS cannot consent to this treatment in place of a respondent parent unless an order is entered by the Court authorizing that authority pursuant to MCL 722.124a.
10. DHHS Foster Care Worker Jereme Bear contacted Crystle Davis' father, Rodney Davis, requesting that he review and sign the Psychotropic Medication Informed Consent Form.
11. Respondent-Father, Rodney Davis, stated that he would not meet with DHHS Jereme Bear to discuss Crystle's recent disclosures during her sports physical.
12. Respondent-Father refused to sign the paperwork necessary to begin administering the medication by Carstensen.
13. Respondent-Father told DHHS Jereme Bear to "never to come to his house again."
14. Rodney stated he has a new attorney; however, he would not give DHHS Jereme Bear the contact information for his new attorney.
15. Since speaking with him, Petitioner has not been contacted by any other attorney representing Respondent-Father.
16. Petitioner contacted Respondent-Father's current attorney of record, Ravi Gurumurthy, and Mr. Gurumurthy indicated the Respondent-Father wants a second opinion.
17. Crystle Davis needs this recommended medication and requires that there be a caregiver/parent present to sign the necessary documents and consent to necessary treatment from these treatment providers.

WHEREFORE, the Department of Health and Human Services respectfully requests this Honorable Court to enter the attached Order to Allow DHHS to Give Consent of Psychotropic Medication pursuant to MCL 722.124a.

evidence of police reports citing that the probative value of the reports was minimal and was substantially outweighed by the needless delay and unfair prejudice that would have occurred.

9. Paragraph 20 is simply untrue and should be struck from the petition. [Exhibit A].

WHEREFORE, Respondent Father requests that this Honorable Court to:

- A. Strike paragraphs 9, 10, 11, 12, 12 a-e, 15, 15 a-c, and 20 [sic] from the Petition in whole or in part as described.
- B. Amend the other paragraphs so that they are proper without the element of hearsay, conclusory statements, and allegations that are current in nature and relevant.
- C. Grant any other relief which the court deems appropriate and just.

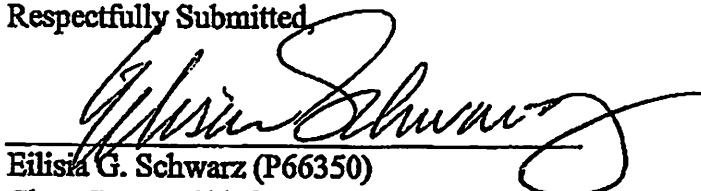
Dated: December 8, 2017



Ravi R. Gurumurthy

Respectfully Submitted,

Date: April 27, 2018


Eilisia G. Schwarz (P66350)
Clare County Chief Assistant Prosecutor

BRIEF IN SUPPORT

MCL 722.124a(1) provides in pertinent part:

"A probate court, a child placing agency, or the department may consent to routine, nonsurgical medical care, or emergency medical and surgical treatment of a minor child placed in out-of-home care pursuant to Act No. 280 of the Public Acts of 1939, as amended, being sections 400.1 to 400.121 of the Michigan Compiled Laws, Act No. 288 of the Public Acts of 1939, as amended, being sections 710.21 to 712A.28 of the Michigan Compiled Laws, or this act...."

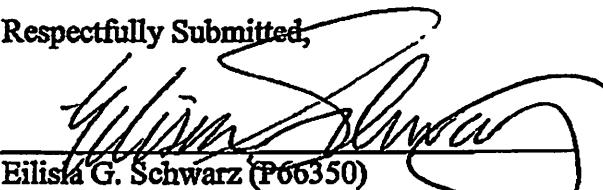
"Ordering treatment under MCL 722.124a(1) primarily depends on whether the child has been 'placed in out-of-home care.' As a result, once a family court places a child in foster care or other "out-of-home" living arrangement, it has statutory authority to order medical or surgical treatment in an emergency, or routine, nonsurgical treatment even when there is no emergency." *In re AMB*, 248 Mich App 144, 178-79; 640 NW2d 262, 282 (2001).

(Footnote omitted.)

For these reasons and those stated in the motion, Petitioner requests the court to enter an order allowing DHS to give medical consent.

Respectfully Submitted,

Date: April 27, 2018


Eilisia G. Schwarz (P66350)
Chief Assistance Prosecuting Attorney

STATE OF MICHIGAN
COUNTY OF CLARE
55TH CIRCUIT COURT-FAMILY DIVISION

IN THE MATTER OF:
Davis, Crystal 01/22/2004

Hon. Marcy A. Klaus
17-069-NA

Eilisia Schwarz (P66350)
Clare County Chief Assistant Prosecutor
225 W. Main Street, P.O. Box 586
Harrison, MI 48625
989-539-9831

Clare County 55th Circuit Court
Family Division
225 W. Main Street PO Box 96
Harrison, Michigan 48625
989-539-7109

Karyn Tomczyk (P76403)
PO Box 362
Gladwin, Michigan 48624
989-426-8535
Attorneytomczyk@gamail.com

Annette Howe (P67491)
PO Box 3
Beaverton, Michigan 48612
989-429-7218
annettehowe@sbcglobal.net

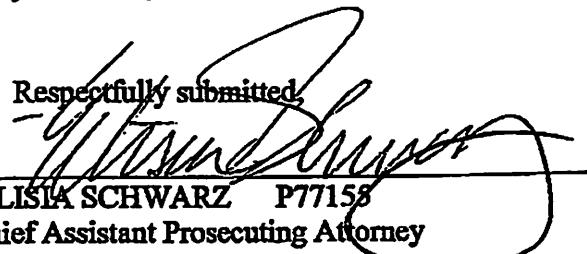
Ravi Gurumurthy (P78368)
PO Box 1014
Cadillac, Michigan 49601
231-577-4822
ravi@michiganlawnorth.com

NOTICE OF HEARING

PLEASE TAKE NOTICE the foregoing People's Motion To Allow DHHS to Give Consent for Psychotropic Medication be brought on for a hearing before the HON. Marcy A. Klaus, Circuit Court-Family Division Judge, at 225 W. Main St., City of Harrison, County of Clare, State of Michigan, on Friday, May 04 2018, at 11:30am. or as soon thereafter as counsel may be heard.

Dated: April 27, 2018

Respectfully submitted,


EILISIA SCHWARZ P77158
Chief Assistant Prosecuting Attorney



STATE OF MICHIGAN

COUNTY OF CLARE

55TH CIRCUIT COURT- FAMILY DIVISION

IN THE MATTER OF:

File No. 17-0069-NA

CRYSTLE DAVIS (DOB 01/22/2004)

Hon. Marcy A. Klaus

Eilisia G. Schwarz (P66350)
Chief Assistant Prosecuting Attorney
225 W. Main St
Harrison, Michigan 48625
989-539-9831

Annette Howe (P67491)
L-Gal For the Minors
PO Box 3
Beaverton, Michigan 48612
989-429-7218

Karyn Tomczyk (P76403)
Attorney for Respondent Mother
PO Box 362
Gladwin, Michigan 48624
989-426-8535

Ravi R. Gurumurthy (P78368)
Attorney for Respondent Father
PO Box 1014
Cadillac, Michigan 49601
231-577-4822

PROOF OF SERVICE

I hereby certify that a copy of Respondent- Father's Response to Allow DHHS to give Consent for Psychotropic Medication was mailed by first class mail to/ emailed to/ and/or personally served upon the persons/offices listed above, at the addresses shown there on said date. I also certify that the appropriate postage was placed on said document(s) with the return address of Ravi R. Gurumurthy, PO Box 1014, Cadillac, MI 49601.

Dated: April 27, 2018



Ravi R. Gurumurthy

DHHS. Respondent father also states that he has never been informed of any medical appointments for his daughter.

WHEREFORE, Respondent Father requests this Honorable Court to deny this request and hold a hearing regarding the above-request.

Dated: April 27, 2018



Ravi R. Gurumurthy
Attorney for Respondent Father

BRIEF IN SUPPORT

MCL 722.124a (4) states that "As used in this section, 'routine, nonsurgical medical care' does not include contraceptive treatment, services, medication, or devices." In addition, MCL 722. 127 of the Child Care Organization Act protects a parent's ability to object to medical immunizations on religious grounds. It states, "nothing in the rules adopted pursuant to this act shall authorize or require medical examination, immunization, or treatment for any child whose parent objects thereto on religious grounds."

Dated: April 27, 2018



Ravi R. Gurumurthy

Received 5/20/19
2019

Court of Appeals, State of Michigan

ORDER

In re C Davis Minor

Docket No. **348861**

LC No. **17-000069-NA**

Christopher M. Murray, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because it was not filed within 14 days of the April 12, 2019 order terminating parental rights. MCR 7.204(A)(1)(c). Further, appellant did not file a request for the appointment of appellate counsel with the circuit court within 14 days after the April 16, 2019 service date of the notice regarding the right to request appointed appellate counsel. MCR 3.977(J)(1)(c). Dismissal is without prejudice to the filing of an application for leave to appeal within the 63-day period provided under MCR 7.205(G)(6). See MCR 3.993(C)(2).

Christopher Murray



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAY 16 2019

Date

Jerome W. Zimmer Jr.
Chief Clerk

Copies to: Trial Court, Court Reporter(s)/
Recorder(s), Appointed Attorney, Respondent,
Petitioner, Prosecutor, Lawyer-Guardian Ad
Litem, Court of Appeals, and Indian tribe (if
applicable)

JIS CODE: COA

Approved, SCAO

STATE OF MICHIGAN JUDICIAL CIRCUIT - FAMILY DIVISION CLARE COUNTY	CLAIM OF APPEAL AND ORDER APPOINTING APPELLATE COUNSEL <input type="checkbox"/> Substitution of Counsel <input type="checkbox"/> Order Amended	CASE NO. 17-069NA PETITION NO.
---	--	-----------------------------------

Court address 225 WEST MAIN STREET, HARRISON MI 48625 Court telephone no. 989-539-7109

1. In the matter of (name(s), alias(es), DOB) Crystle Davis dob 1/22/2004

Name(s) of child(ren) affected by the order being appealed

Crystle Davis

Name and address of petitioner

Rodney Davis

Name and phone number of lawyer-guardian ad litem for child(ren)

Annette Howe 989-429-7218

2. The respondent, Rodney Davis, claims an appeal from an order terminating Name (one respondent per claim of appeal)

parental rights entered on 4/12/2019 in the 55th Circuit Court, Family Division,

Clare County, Michigan by Judge Marcy A. Klaus

P59564

Bar no.

Copies of the judgment or order being appealed and the register of actions in the case are attached for the Court of Appeals, appointed counsel, petitioner, and prosecutor.

3. On 5/01/2019 the respondent filed a request for appointment of attorney and a declaration of indigency.
Date**IT IS ORDERED:**

4. Jennifer Galloway	108 S. University, Suite 5
Name	Address
Mt. Pleasant MI 48858	989-953-3535
City, state, and zip	Telephone no.

P47788

Bar no.

is appointed counsel for the respondent in appellate proceedings. If appointed counsel cannot or will not accept this appointment, counsel shall notify the court immediately.

5. The court reporter(s)/recorder(s) shall file with the trial court clerk the transcripts listed below and any other transcripts requested by counsel in this case not previously transcribed. Transcripts shall be filed within 42 days from the date ordered or requested. MCR 7.210(B). Reporter(s)/Recorder(s) shall be compensated for the transcripts as provided by law.

REPORTER/RECORDER NAME	NUMBER	DATE(S) OF PROCEEDING
Josette Given	5277	10/26/2017
Stacy Swan	8859	11/08/17, 11/29/17, 12/13/17, 1/24/18, 2/22/18, 3/20/18, 5/04/18, 6/05/18, 8/21/18, 11/14/18, 1/29/19, 2/01/19, 2/28/19, 4/10/18
Haley Sulla	9310	3/20/19

The clerk shall immediately send to counsel a copy of the transcripts ordered above or requested by counsel as they become available.

Date 5/6/19



Bar no.

Note: This order must be served on the respondent, appointed counsel for the respondent, court reporter(s)/recorder(s), petitioner, prosecuting attorney, Indian tribe (if any), lawyer-guardian ad litem, and guardian ad litem or attorney (if any) for the child(ren). Service may be made by first-class mail. Use form JC 12a or JC 12b for proof of service and attach it to this order before sending it to the Court of Appeals.

To deny appointment of appellate counsel, use form JC 85.

JC 84 (12/18) CLAIM OF APPEAL AND ORDER APPOINTING APPELLATE COUNSEL

25 USC 1912, MCR 3.977(J)(2), (3), MCR 3.993(A)(2),
MCR 7.204, MCR 7.210(B)(3)

Approved, SCAO

STATE OF MICHIGAN JUDICIAL DISTRICT Clare JUDICIAL CIRCUIT COUNTY PROBATE		REPORTER/RECORDER CERTIFICATE OF ORDERING TRANSCRIPT ON APPEAL Appeal to: <input checked="" type="checkbox"/> Court of Appeals <input type="checkbox"/> Circuit	CASE NO. 17-069-NA
---	--	--	-----------------------

Court address

225 West Main Street, Harrison MI 48625

Court telephone no.
989-539-7109

Plaintiff's/Petitioner's name(s) and address(es) Clare County Department of Health and Human Services 725 Richard Drive Harrison, MI 48625	<input type="checkbox"/> Appellant <input checked="" type="checkbox"/> Appellee	v	Defendant's/Respondent's name(s) and address(es) Rodney Davis 9852 Cadillac Drive Lake, MI 48632	<input checked="" type="checkbox"/> Appellant <input type="checkbox"/> Appellee
Plaintiff's attorney, bar no., address, and telephone no. Kristen Brown P47347 201 South University Mt. Pleasant, MI 48858 989-779-3200	Defendant's attorney, bar no., address, and telephone no. Jennifer Galloway P47788 108 South University, Suite 5 Mt. Pleasant, Michigan 48858 989-953-3532			

 Probate In the matter of _____

This certificate must be filed by the appellant or the reporter/recorder within 7 days after the transcript is ordered on appeals to the Court of Appeals. This certificate must be filed by the appellant within 7 days after the transcript is ordered on appeals to the circuit court.

I am a certified court reporter/recorder for the court designated above and I certify that:

1. On 05/06/2019 a portion of the the complete transcript of proceedings, taken in this case

Date

before Hon. Marcy A. KlausP59564 on 10/26/17, 11/08/17, 11/29/17, 12/13/17, 01/24/18

Bar no. _____ Date(s) _____

02/22/18, 03/20/18, 05/04/18, 06/05/18, 08/21/18, 11/14/18, 01/29/19, 02/01/19, 02/28/19, 03/20/19, 04/10/19, was ordered by

Date(s)

a. Attorney name (type or print), attorney for Name (type or print)

b. the appellant, Name (type or print)

c. the appellee, Name (type or print)

d. the court.

2. Payment has been secured and the transcript will be furnished by me on or about June 17, 2019 Estimated date of completion

Estimated number of pages is 575

3. The transcript has been filed with the court and furnished as requested. Date filed: _____

4. There is no record to be transcribed.

5-8 19

Date

Reporter/Recorder signature

Josette Given

Name (type or print)

CER 5277

Certification designation and number

225 West Main Street, P O Box 96

Business address

Harrison MI 48625

9895397109

City, state, zip

Telephone no.

List names, certification designations and numbers, and dates of each proceeding of each reporter or recorder who reported or recorded or transcribed any part of the proceedings: Haley Sulla, CEO 9310 recorded the 03/20/19 hearing, Stacy Swan, CEO 8859, recorded all others except one and Josette Given, CER 5277 recorded the 10/26/17 hearing and will be transcribing all the hearings.

MCR 7.109(B)(3)(a)

MCR 7.210(B)(3)(a)

Date: 5/14/2019

IN RE C DAVIS MINOR
COA#: 348861
LC#: 17-000069-NA

The above **docket number has been assigned** to your filing that was received by this Court on 05/09/2019. Please use this number on all future filings in this case.

TO:
GALLOWAY JENNIFER M
108 S UNIVERSITY AVENUE
SUITE 5
MT PLEASANT MI 48858

**STATE OF MICHIGAN
55TH CIRCUIT COURT -FAMILY DIVISION
FOR THE COUNTY OF CLARE**

In the Matter of Crystle Davis, dob 1/22/2004, File No. 17-069-NA
Hon. Marcy A. Klaus

OPINION AND ORDER AFTER TERMINATION HEARING

The Termination Hearing for the Respondent father (hereafter "father"), Rodney Davis, was held on April 10, 2019. The father's paternity was established by marriage. The Respondent mother (hereafter "mother"), Wendy Davis, voluntarily released her parental rights on February 1, 2019. The Court takes judicial notice of the legal and social file for this case.

The Court received expert testimony from psychologist Dr. Byron Barnes, PhD. The Court received testimony from Sherrie LaLone, Community Mental Health (CMH) outpatient therapist, Melissa Moe, CMH clinical supervisor, Lori Tideswell, foster parent, and Jereme Bear, DHHS foster care specialist. The Court also received testimony from Cliff Towery, Sheila Hooker, Gary Zastrow, and Arma Zastrow, friends of the Respondent father, and psychologist Dr. Daniel Faching, PhD.

The Court received into evidence one exhibit, Respondent father's Exhibit 2, the psychological evaluation of the father by Ronan Psychology Associates.

The Court determined during this case that the child was not a member of, nor eligible for membership in, a Native American Indian tribe and that the Indian Child Welfare Act did not apply to this case.

Chronology and Facts of the Case

The child, Crystle Davis (dob 1/22/2004) was removed from the father's home on October 26, 2017. It was established that the mother had not had contact with the child in a number of years. Relative placement was explored by the Department of Health and Human Services (DHHS) without success. The child was placed in foster care by DHHS on the date of removal.

The father made admissions on February 22, 2018. The father admitted he allowed Crystle to reside in a friend's home without providing legal care and custody for her and he was unable to meet Crystle's mental health needs when she was in his care.

Disposition for the father occurred on March 20, 2018. The Parent Agency Treatment Plan ("PATP") was ordered on the day of disposition and included the following services for the father: a full psychological evaluation with Dr. Byron Barnes to address mental health needs, father to follow any recommendations as a result of the evaluation; parenting time at the discretion of DHHS; sign all releases requested by DHHS; complete a full health screen to treat any current health needs with a licensed physician; participate in parenting education; and, complete an intake with a mental health service, such as CMH or other licensed counseling service. Parenting time was initially ordered at the discretion of DHHS.

GALLOWAY LEGAL SERVICES, P.L.L.C.
JENNIFER M. GALLOWAY
ATTORNEY AT LAW
108 S. UNIVERSITY, SUITE 5
MT. PLEASANT, MICHIGAN 48858

TELEPHONE (989) 953-3532
TELEFAX (989) 953-3534

April 18, 2019

I ROD WAS
GIVEN CHOICE
FOR LAWYER TO APP
COST TO ROD
BUT THEN SLANDER
TO (3) LAWYERS

Rodney Davis
9852 West Cadillac Drive
Lake, MI 48632

RE: In the Matter of Crystle Davis
Clare Co. File 17-069-NA

Dear Mr. Davis,

cc: File

Sincerely,

Jennifer M. Galloway

Enclosed are your copies of the *Opinion and Order After Termination Hearing* and the *Order Following Hearing To Terminate Parental Rights*.

ENTERPRISE

RAUL QUIT THE N

WOULD NOT SOP DR RONAN ?
BUT DID SOP DR FATCHING !
HIGH (100%) RANK
LOW RANK
.05%

EVERY BIT OF THIS IS BASED

ON PURGERY CONVICT MH / FALSE DIAGNOSES

BEAR NOT DR.

The Court considers that Crystle is fifteen years old and has been in foster care for almost seventeen months, since 2017.

WAY BEOND 182-365 DAYS

The Court takes into consideration the Guardian ad Litem's reports filed with the Court and her recommendation that parental rights be terminated.

COURTS BEST INTRESS

The Court also takes into consideration the foster mother's, Lori Tideswell, testimony. Crystle wants to be adopted for stability and safety. The foster family is willing to be considered as a possible adoptive placement.

Foster care worker Mr. Bear discussed adoption with Crystle and recommended that stability be achieved to address the severe anxiety that Crystle experiences.

The Court finds that there is clear and convincing evidence that the best interests of Crystle are to terminate her father, Rodney Davis' parental rights.

Order

The Court finds that the Petitioner has met the burden of proof to terminate the father's parental rights pursuant to the three statutory factors pled. The Petitioner has met the burden of proof to show that the child's best interests are served by terminating the father's parental rights. Therefore, the Court orders that the father's parental rights are terminated and there shall be no further efforts to reunify. The child is committed to DHHS and Michigan Children's Institute for the purpose of adoption. DHHS shall continue to have discretion regarding the child's placement. Relative placement shall continue to be explored by DHHS.

Date: April 13, 2019

Marcy A. Klaus

Hon. Marcy A. Klaus P59564

JENNIFER SALLOWAY
COULD NOT BE REACHED
BY PHONE OR OFFICE NOT AT OUT OF TOWN
OUT OF STATE
MINN

CRYSTLE COMES OVER MOST
EVERY DAY (OUR HOUSE) CALLS
MOST EVERY DAY. AFTER MOVED
FROM LORI TITWELL BEAR'S HOME
↑ ↑ PART OF THE ENTER
PRISE

in an inpatient Safe House to stabilize her. The father continued to not participate in parenting time in the therapeutic setting with CMH. Crystle's cutting behaviors continued. Crystle continued to express that she did not feel safe going home to her father and that her father was not trying to rebuild their relationship.

At the August 21, 2018 Disposition/Permanency Planning Hearing, the permanency goal was changed from reunification to termination of parental rights. This request was made by the Petitioner and supported by the Guardian ad Litem. The Court authorized the filing of the Supplemental Petition.

Parenting time was ordered to occur at the discretion of DHHS until the filing of the Supplemental Petition, at which time parenting time would be suspended.

At the same hearing, the attorney for the father motioned the Court to allow him to withdraw. The father was not maintaining contact with his attorney. The father was threatening everyone involved in the case. The Court granted the motion and appointed new counsel on the same day.

At the termination hearing, the Court learned that the father had engaged in four to five sessions of counseling with Dr. Daniel Faching, psychologist. Those counseling sessions occurred in October 2018 and November 2018. This was a self-referral by the father. Dr. Faching did not recall releases of information being signed by the father. Dr. Faching testified that the father did not provide psychological evaluations of himself or Crystle for Dr. Faching to review. The focus of the sessions was the father's depression and adjustment to having his daughter out of his care with the prospect of her return. Dr. Faching testified that he engaged in active listening, and validation of the father during their sessions. Dr. Faching testified that the father made progress in the form of being more relaxed and confident after their sessions, therefore further sessions would not have been helpful. Parenting skills were not addressed in depth during their sessions.

By the November 14, 2018 dispositional review hearing, neither parent was participating in parenting time. Crystle continued to received therapy from CMH therapist Sherrie LaLone. Wraparound services were utilized within the foster home. DHHS continued to try to engage the father through phone contact and at home visits. These efforts were unsuccessful. Law enforcement was requested to conduct a welfare check on the father by DHHS in October 2018. Law enforcement was unable to have contact with the father.

Despite the permanency goal change at the August 2018 Permanency Planning hearing, the Supplemental Petition was not filed by DHHS. The Court ordered that the Supplemental Petition be filed within twenty-eight days of the November 14, 2018 hearing. Parenting time continued to be offered to the parents with the requirement that the parents contact DHHS twenty-four hours before to confirm attendance. The mother had stopped attending parenting time in August 2018. The father had not participated in parenting time since the spring of 2018.

DHHS reported that the father was not attending any service ordered by the Court in the PATP.

The father started to attend parenting time with Crystle at CMH on November 16, 2018. Sherrie LaLone testified that communication was the focus of the therapeutic parenting time. The father attended six of ten appointments between October 2018 to January 23, 2019. Ms. LaLone started offering therapeutic parenting time in mid-June 2018 and continued until January 23, 2019.

BEAR STOPED THIS DEC. 2018
(IN VOLUNTARY SURVITUDE)

The PATP ordered for the child included the following services: to attend the public school; complete a full psychological evaluation with Dr. Byron Barnes and follow any recommendations from the evaluation; and, participate in counseling services with CMH or other appropriate counseling service.

Dr. Byron Barnes diagnosed the child, Crystle, with Post Traumatic Stress Disorder, Depression not otherwise specified, and Emotional Abuse of a Child. Dr. Barnes concluded that the data indicated Crystle was anxious and depressed, and worried about her safety, "she finds the circumstances in her home with her father to be disconcerting, hurtful and harmful". (Dr. Barnes' Psychological Evaluation of Crystle Davis, dated November 14, 2017). Dr. Barnes recommended: continued placement [out of home], individual therapy services to address trauma, appropriateness of visitation with her father is deferred to her individual therapist, the need for psychotropic medication is deferred to her individual therapist.

The father completed a psychological evaluation with Ronan Psychological Associates. The psychological evaluation was made part of the Court's social file on February 20, 2018. The father sought and paid for this service out independently. The psychological evaluation was conducted on January 16 and 18, 2018. The evaluation concluded that the father was of average intelligence with commensurate adaptive behaviors. The report noted that the father suffered from chronic pain and recommended that "participating in mental health service to learn more effective strategies for managing chronic pain might prove useful". The father "did not report clinically significant symptoms that would warrant the diagnosis of a formal psychiatric condition", nor did he report significant distress related to caring for his daughter. The father has the capacity to participate in and understand services.

November 29, 2017, the Court ordered that the father's parenting time would be conducted through written and telephonic communication owing to the verbal and emotional abuse by the father during face to face parenting time. The father would not contact nor respond to DHHS despite repeated efforts to engage the father by the Department. February 22, 2018, the Court ordered parenting time for the father to be at the discretion of DHHS. The father continued to ignore requests of DHHS for contact regarding services and his child.

In April 2018, Crystle discussed suicidal ideation and cutting behaviors to the Physician's Assistant who was seeing her for her school sports physical. The PA prescribed Zoloft for Crystle as she continued to express suicidal thoughts. DHHS foster care specialist Bear asked the father's permission for medication to be given. The father refused to grant permission for the administration of psychotropic medication. Subsequently, DHHS was unable to reach the father by phone and could not be found at home by the foster care worker. Written communication went unanswered by the father.

Parenting time between the father and Crystle was not occurring. The father did not telephone, write, or visit Crystle. It was ordered at the June 5, 2018 review hearing that the father would need to contact DHHS twenty-four hours in advance of parenting time to confirm that he would be attending. Face to face parenting time was referred to CMH by DHHS so that parenting time could be facilitated by a CMH therapist. CMH outpatient therapist Sherrie LaLone began counselling Crystle in mid-June of 2018.

In August 2018, Crystle again threatened suicide and was hospitalized. The CMH Crisis Team became involved. Crystle had phoned her father and told him that she was suicidal and his response was to encourage her to do so, as long as he did not go to jail. The Crisis team was able to place Crystle

THIS IS ANOTHER
LIE

WANTED TO COME HOME!

GUILT
WITH OUT
CONSENT

DEMAND
NOT
THERAPIST

maintain contact with his daughter by offering transportation to court and service providers, therapeutic parenting time, telephone contact and written contact.

Statutory Grounds and the Court's Findings

Under MCL 712A.19b(3)(c)(i) and (ii), failure to rectify conditions, the Court finds that more than 182 days have elapsed since the issuance of the initial disposition order on March 20, 2018. There is clear and convincing evidence that the conditions that led to adjudication, the father is emotionally abusive to the child and cannot or will not meet her mental health needs, continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age of fifteen years old.

Other conditions exist that cause the child to come within the court's jurisdiction, the child's mental health needs are becoming more serious with threats of suicide and cutting behaviors, marked depression, anxiety, and PTSD triggered by the father. The father has received recommendations to rectify those conditions through services offered in the Parent Agency Treatment Plan including parenting time in a therapeutic setting, and the conditions have not been rectified by the father after notice and multiple hearings during the seventeen months that the child has been in care, and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child's age.

Under MCL 712A.19b(3)(g), there is clear and convincing evidence that the father fails to provide proper care and custody for the child and there is no reasonable expectation that the father will be able to provide proper care and custody within a reasonable time considering the child's age. The father refuses to participate in services to repair and foster a healthy parent-child relationship. The father continues to externalize blame. He has minimally participated in services without adequate benefit to safely reunify him with his daughter, Crystle.

Under MCL 712A.19b(3)(j), there is clear and convincing evidence that there is a reasonable likelihood, based on the conduct or capacity of the father, that the child will be harmed if she is returned home to her father. The father has the capacity to make changes and to benefit from services that were offered, however he chose to not engage in services, as ordered, with the exception of approximately three months of therapeutic parenting time at CMH at the end of 2018 and beginning of 2019. Those parenting times were fraught with conflict and blame by the father, anxiety and self-harm by the daughter. There was no progress made by the father to learn and benefit from the therapy offered. A return home to the father's care would result in further trauma and harm to the child.

Best Interest Factors

Dr. Barnes diagnosed Crystle as suffering from PTSD and abuse of a child while in her father's care. Dr. Barnes testified that Crystle was very clear in stating that she did not want to live with her father. This statement was made in November 2017. Crystle has clearly stated this same desire, throughout the seventeen months of proceedings, to be away from her father because of her fear of him and her anger toward him. Dr. Barnes stressed that there was a "significant disruption in the parent-child relationship" which is not common even in situations of abuse or neglect. Dr. Barnes stated that it was imperative that the father participate in therapy in order to repair their relationship. Unfortunately, this did not occur.

J BEAR PRETENDED DR RONAN
DID NOT EXIST

Dear Father

I Want to talk to you to

call you if you come back.

before I come back

Please don't leave

without me

Thanks Bye 



Community Mental Health for Central Michigan
www.cmhcm.org

February 14, 2018

Clare County DHHS
Attn: Jereme Bear
725 Richard Dr.
Harrison, Michigan 48625

Re: Crystle Davis

DOB: 01/22/2004

Case# 019918

Mr. Bear,

I have met with Crystle eight times since being assigned as her Outpatient Therapist on 11/15/17. In that time we have been building rapport, identifying treatment goals and completing the UCLA PTSD Reaction Index for Children/adolescents. Our treatment plan is focused on supporting Crystle in processing through the trauma she has endured, understanding the impact it has on her moods, emotions and behaviors and teaching her tools for regulating emotions and handling trauma reminders and triggers as they come up.

Crystle presents with symptoms of PTSD and a majority of her flashbacks, memories, cognitive distortions and upset feelings are in regards to her father as a result of the psychological abuse he has inflicted. Crystle has shared on more than one occasion she is fearful of her father and what he might do to her. He has reportedly made threats to her safety, even after her entering foster care. Because she has yet to develop a full set of coping skills to handle these triggers and threats as they arise, seeing him and spending time with him would likely cause undue emotional distress at this point in time.

Katie L. Most, LMSW, QMHP, QIDP, CMHP
Outpatient Therapist

Sara Miceli-Sorensen, LMSW, QMHP, QMRP, CMHP
Clinical Supervisor